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BOARD MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

CITY OF ANAHEIM  
CITY COUNCIL CHAMBERS  
200 SOUTH ANAHEIM BLVD.  
ANAHEIM, CALIFORNIA

WEDNESDAY, MAY 11, 2005  
9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Rosario Marin, Chair

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Carl Washington

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Mr. Fernando Berton, Supervisor, Organics Materials  
Management

Mr. Mitch Delmage, Manager, Waste Tire Diversion

Ms. Sally French, Staff

Ms. Judy Friedman, Branch Manager, Organics & Resource  
Efficiency

Mr. Bob Fujii, Supervisor, Special Waste Division

Ms. Toni Jiminez, Executive Assistant

Mr. Jim Lee, Deputy Director

Mr. Pat Schiavo, Diversion, Planning, and Local Assistance

Mr. Todd Thalhamer, Staff

Ms. Patty Wohl, Deputy Director

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APPEARANCES CONTINUED

ALSO PRESENT

Officer Al Amore, CHP

Ms. Jeanet Babauta, L.A. County

Ms. Nicole Bernson, Councilman Greg Smith, City of L.A.

Mr. Ed Boisson, R.W. Beck

Mr. Joe Dvoracek, 3D Traffic Works

Sergeant Connie Guzman, CHP

Mr. Alex Helou, City of L.A.

Officer Mark Howard, CHP

Mr. Wayde Hunter, North Valley Coalition

Mr. Gerard Kapuscik, Ventury County Environmental Energy Resources

Ms. Chrisine Knapp, Manager of Recycling Programs, Integrated Waste Management Department, County of Orange

Mr. Terry Leveille, TL & Associates

Mr. Mike Mohajer, L.A. County Integrated Waste Management Task Force

Ms. Tracey Norberg, IMA

Ms. Doris Roush, Public Works Operations Manager, City of Anaheim

Mr. Greg Shiply, Waste to Energy

Mr. Coby Skye, L.A. County Department of Public Works

Mr. Andy Sousa, City Manager, City of Fresno

Mr. Scott Smithline, Californians Against Waste

Mr. James Stewart, BioEnergy Producers Association

APPEARANCES CONTINUED

ALSO PRESENT

Mr. Barry Takallou, CRM Company

Mr. Chuck Tobin, Burrtec Waste Industries

Mr. Charles Toca, Utilities, Savings and Refund

Mr. Chuck White, Waste Management

Mr. Ramin Yazdani, Yolo County

Ms. Anne Ziliak, Mothers Against the Dump

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1 PROCEEDINGS

2 CHAIRPERSON MARIN: Good morning. For being out  
3 of towners, starting always on time, we're only five  
4 minutes late. But I think that's a great accomplishment  
5 we got all of you here and, more importantly, we got all  
6 of us here.

7 Welcome. Good morning. This is the California  
8 Integrated Waste Management Board May meeting, and it's in  
9 the beautiful city of Anaheim. It is home of Disneyland.  
10 So we are in the happiest place on earth. This will be  
11 the happiest place on earth. It's truly exciting to be  
12 here. This is my first out of town Board meeting, and I'm  
13 very excited to be here in the city of Anaheim with  
14 friends and colleagues.

15 I know the Mayor is out of town, a personal  
16 friend. And he sends his regrets he's unable to welcome  
17 us.

18 But before I start because officially here to  
19 welcome us from the City of Anaheim -- would you please  
20 call the roll to make sure that all four of us are here.

21 EXECUTIVE ASSISTANT JIMENEZ: Peace?

22 BOARD MEMBER PEACE: Here.

23 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

24 BOARD MEMBER MULÉ: Here.

25 EXECUTIVE ASSISTANT JIMENEZ: Washington?

1 BOARD MEMBER WASHINGTON: Here.

2 EXECUTIVE ASSISTANT JIMENEZ: Marin?

3 CHAIRPERSON MARIN: I'm here, too.

4 So we do have a quorum, and we need a minimum of  
5 four Board members. That's all we have. Everybody is  
6 here.

7 Ms. Peace, would you be so kind to lead us in the  
8 Pledge of Allegiance.

9 (Thereupon the Pledge of Allegiance was  
10 recited in unison.)

11 CHAIRPERSON MARIN: Thank you.

12 There are a few things that I need to make sure  
13 everybody knows. We usually say we have agendas in the  
14 back of the room, but we're out of the agendas in the back  
15 of the room. We have speaker slips that also need to be  
16 -- am I on?

17 See, magic happens. Thank you so very kindly,  
18 Mr. Engineer.

19 Speaker slips; anybody is welcome to address the  
20 Board. You do have to fill out a speaker slip. And would  
21 you please give it to our wonderful and leaving secretary,  
22 Toni Jimenez. Wave your hand so they know. And then  
23 she'll hand them over to me, and we will call you.

24 Members, are there any ex partes?

25 BOARD MEMBER PEACE: I'm up to date.

1 CHAIRPERSON MARIN: Ms. Mulé.

2 BOARD MEMBER MULÉ: I'm up to date.

3 CHAIRPERSON MARIN: Mr. Washington.

4 BOARD MEMBER WASHINGTON: I'm up to date.

5 CHAIRPERSON MARIN: And so am I.

6 We know that you guys are very, very important,  
7 and we don't need to know that your office is calling you.  
8 So would you please either turn off or put your cell  
9 phones on meeting or vibration mode or whatever it is.

10 We have Doris Roush, the Public Works Operations  
11 Manager from the City of Anaheim, that is here to  
12 officially welcome us. Thank you very much for having us  
13 here, Doris.

14 MS. ROUSH: Thank you. It's a pleasure to have  
15 you here in the city of Anaheim. We are the home to -- am  
16 I having feedback?

17 We are the home to the Anaheim Angels and the  
18 Mighty Ducks and Disneyland and a lot of other great  
19 businesses and wonderful residents here in Anaheim.

20 It's our pleasure to have you with us. Our  
21 entire Council does send their regrets the Mayor is out of  
22 town. They wanted to be here and could not. However, I  
23 am the steward for the day, and I welcome you.

24 Our businesses and citizens here in Anaheim have  
25 really embraced the reduce, reuse, and recycle mantra and

1 programs that have been set forth by your office, and  
2 they've done a wonderful job. We're very proud of our  
3 programs here. They're very extensive.

4 We do a lot of work in our schools. We have  
5 special school programs with gifts for the children,  
6 reading materials, and so on.

7 We also are one of the host cities in Orange  
8 County in partnership with our County people at the  
9 Integrated Waste Management Office for a household  
10 hazardous waste management site in Anaheim for our  
11 residents. It is, of course, free. It helps us keep our  
12 streets and waterways clean as well. So we're very proud  
13 of that program and the great job they've all done.

14 Tina Truby, who is one of our many staff members  
15 that helps with our Solid Waste Program, has put together  
16 some Recycle Anaheim gift bags for each of you. And every  
17 product in here is made from recycled products. The bags,  
18 when you touch the bag, it will be hard to believe it's  
19 made out of plastic bottles. And inside are just a few  
20 samples of things that we use to get the point across,  
21 don't throw it away. Take it to a recycle center. Put it  
22 in the proper can. Let's get it reused and recycled into  
23 something new. And we hope you enjoy the small token of  
24 our appreciation for all the support that you've given us,  
25 and our County partners as well.

1           Thank you again for being here. It's truly a  
2 pleasure to have you in Anaheim.

3           CHAIRPERSON MARIN: Thank you so very much,  
4 Doris. It's a pleasure to be welcomed so nicely.

5           Do we have to report any of these gifts under  
6 \$10?

7           MS. ROUSH: They are definitely under \$10.

8           CHAIRPERSON MARIN: Thank you so very kind. And  
9 we really appreciate your hosting us here. Your staff has  
10 been extremely gracious and accommodating, and we truly  
11 appreciate it. I know we have visitors here that wouldn't  
12 be able to make it if we had our Board meeting in  
13 Sacramento. And as a response to the fact that we are a  
14 statewide Board, we thought that we go where people are.  
15 We're very grateful.

16           And I know our staff has been coordinating with a  
17 lot of people from the city. It takes a lot to get a  
18 small group of people like this together.

19           And we also appreciate the great work you've done  
20 reducing, reusing, and recycling. And we have been very  
21 fortunate. We've worked with Disneyland as well, and they  
22 have an incredible program.

23           The County in their efforts -- and I know we have  
24 somebody here also from the County to officially welcome  
25 us as well. And that is Christine Knapp. Hi, Christine.

1 Thank you so very much for having us here.

2 Ms. KNAPP: Good morning. My name is Christine  
3 Knapp. I'm the Manager of Recycling Programs for the  
4 Integrated Waste Management Department at the County of  
5 Orange.

6 As an administrator of the Countywide Integrated  
7 Waste Management Plan, I would like to commend the City of  
8 Anaheim for spearheading a three-can automated collection  
9 system in 1988, becoming one of the first cities in the  
10 state to reach 50 percent diversion goal. The continuous  
11 successful public/private partnership with Republic  
12 Industries, which operates one of the largest material  
13 recovery facilities in the nation -- and it's located  
14 right here in the city of Anaheim. The City works  
15 proactively with Disneyland, as you know, and other  
16 businesses to deal with the large volume of tourists and,  
17 subsequently, their waste.

18 I've been honored to serve as a member of both  
19 the Adjustment Review Methodology Workshop and as a  
20 participant in the Alternative Measurement Concepts  
21 Working Groups. I would like to thank the California  
22 Integrated Waste Management Board staff for their  
23 dedicated work in reaching out to jurisdictions in the  
24 recent workshops and being responsive to our comments  
25 regarding the future of the measurement of each

1 jurisdiction's efforts towards zero waste.

2           While it's been a busy time for everyone, it has  
3 been particularly rewarding to see everyone working  
4 together looking for solutions that can benefit all  
5 jurisdictions statewide. And speaking of workable  
6 solutions, since the original AB 939 statutes were  
7 enacted, conversion technologies have been developed that  
8 can result in improved benefits to the environment,  
9 including the production of renewal energy, reduced  
10 dependency on fossil fuels, and reduction of greenhouse  
11 gasses. Conversion technologies can enhance landfill  
12 diversion efforts and would compliment our existing  
13 recycling infrastructures.

14           The County of Orange believes if zero waste is to  
15 be possible, we must expand diversion options and allow  
16 conversion technologies to count towards diversion status.

17           We welcome you to the County of Orange. And  
18 thank you, Board members, for arranging this local Board  
19 meeting.

20           CHAIRPERSON MARIN: Thank you so very kindly.  
21 And you couldn't have said it better. We really  
22 appreciate the tremendous work that the county has done.  
23 And we look forward to a continued relationship with the  
24 County and the City.

25           So with that, let's see. We have a small



1 presentation. Is Jon here today? Jon Myers. No Jon

2 Myers. All right. That's fine.

3 Any reports from Board members?

4 Ms. Peace, anything that you want to share with  
5 us? And I know you've been very busy this month.

6 BOARD MEMBER PEACE: Good morning. It is nice to  
7 be here in the beautiful city of Anaheim.

8 And whoever put this pillow on my chair, I don't  
9 know who did it, but it's very much appreciated. Always  
10 like to be a little taller.

11 (Laughter)

12 BOARD MEMBER PEACE: On April 26th and 27th, I  
13 was on the RAC and Roll Tour. The tour was put on by our  
14 Northern California RAC Tech Center and Rubber Pavements  
15 Association. There were probably about 50 people on the  
16 tour, including engineers from Caltrans and public works  
17 people who are interested in learning more about RAC. It  
18 was a very educational tour, which touched on every aspect  
19 of the rubberized asphalt concrete.

20 We toured the Tri-C Crumb Rubber facility where  
21 we saw how tires were turned into crumb rubber. The  
22 facility has received grant money from the Board in the  
23 past.

24 We toured a mining and asphalt production plant  
25 where they showed us how easy it was to add the crumb

1 rubber to the asphalt mix to produce the rubberized  
2 asphalt concrete. We toured the U.C. Berkeley Field in  
3 Richmond and saw how the heavy-vehicle simulator could  
4 test the different RAC formulations and applications in a  
5 relatively short amount of time by mimicking thousands of  
6 truck trips over RAC paved test sections.

7           And we learned firsthand about successes of the  
8 I-880 project; visited ten-year-old sections in Esparto  
9 that were actually still in good shape, despite being  
10 under water twice; and examined several RAC sites in  
11 Sacramento.

12           And the noise reduction factor is really quite  
13 amazing, and the tour only served to further my commitment  
14 to rubber roads as an excellent public works choice,  
15 regardless of the waste tire problem it helps to solve.  
16 It was an excellent tour, and I was pleased to see how our  
17 Northern California RAC Tech Centers were being spent.  
18 Also our Southern California RAC Tech Center people, Reza  
19 Izadi and Jeanet Babauta, were also there on the tour.

20           At the end of the first day of the tour, there  
21 was a dinner where the Chief Deputy Director of Caltrans,  
22 Randy Iwasaki, and I each spoke. Randy reiterated his  
23 commitment to furthering the use of RAC by Caltrans. He  
24 said that changing the mind-set of Caltrans is something  
25 that can't be done overnight. I guess we know that, don't

1 we? But he said he is working on it. And it's really  
2 encouraging to have a RAC supporter at the top.

3 I also attended the Household Hazardous Waste and  
4 Used Oil Conference in San Diego, which is my home town.  
5 I was very impressed with the exchange of information and  
6 ideas among the attendees. You could tell there were a  
7 lot of dedicated people from all over the state who were  
8 passionate about what they do to protect our environment,  
9 and they were anxious to share their success stories. It  
10 was a great conference. And Kristen Ye and Anna Ward  
11 deserve a special thanks for all their hard work in making  
12 the conference a success.

13 That ends my report.

14 CHAIRPERSON MARIN: Thank you, Ms. Peace.

15 So if that was the RAC and Roll, is there going  
16 to be a twist and shout somewhere?

17 BOARD MEMBER PEACE: Well, I think that's what we  
18 all need to say, twist and shout, saying, "Use more RAC."

19 CHAIRPERSON MARIN: Okay. Great.

20 Ms. Mulé.

21 BOARD MEMBER MULÉ: Thank you, Madam Chair.

22 I, too, attended the Household Hazardous Waste  
23 Conference in San Diego on the 28th. And I just want to  
24 reiterate what Ms. Peace had mentioned. Not only were the  
25 sessions informative and worthwhile, but again, what I

1 observed was that this was a group of people that have  
2 worked diligently over the last decade or so on these  
3 issues.

4           And what really impressed me was not only that  
5 they continue to work on these issues, but they're looking  
6 at what's the next frontier for us to concur in terms of  
7 used oil and household hazardous waste. There were  
8 sessions on how to recycle mercury thermometers. There  
9 was a session on looking at pharmaceuticals and how they  
10 can be properly disposed of. It was a very, very good  
11 conference. And, again, I want to commend staff for  
12 putting together what I thought was a very, very good  
13 conference.

14           On April 20th, I had the privilege of being a  
15 speaker at the Cal Portland Cement Company in Colton at  
16 the barbecue in the pit. And we went down into the pit of  
17 Cal Portland Cement, and they asked me to talk about  
18 tires. And one of the things that I didn't realize, even  
19 though we had been out there before, Madam Chair, was that  
20 Cal Portland Cement utilizes 2.2 million tires a year in  
21 their operation. And they use it as a fuel source. And  
22 as a result, by using the tires as a supplemental fuel  
23 source, they're able to reduce their NOX and other  
24 emissions significantly. So it was really very  
25 interesting to be there.

1           Then on April 21st, I was a luncheon speaker at  
2 the SWANA Southern California Chapter meeting and provided  
3 them with an update on our regulatory projects that we're  
4 working on at the Board.

5           While I was unable to attend the RAC and Roll  
6 Tour on the 26th and 27th, I did have the opportunity to  
7 attend the dinner. And I heard Randy Iwasaki speak at  
8 that meeting. And, again, what was interesting for me was  
9 to know that Caltrans is working on utilizing RAC. They  
10 are doing it, but it's just a slow process. And they have  
11 had much success. And I was very encouraged by Randy's  
12 comments and his support for his use of RAC. So I think  
13 we're on the right track with Caltrans and the use of RAC.

14           On May 5th, I did a site tour at the California  
15 Concrete Crushing facility in Sacramento. And that's here  
16 on our agenda today. And the reason why I wanted to go  
17 there was this was the first CDI permit that we will be  
18 issuing for a facility. And, again, I want to say I was  
19 really impressed with the site, with what they're doing,  
20 and the fact they're going to hopefully get government and  
21 private sector entities to use more aggregate in their  
22 construction projects.

23           Thank you, Mr. Edgar, for arranging that tour.  
24 Appreciate it.

25           And I'm sorry. On April 23rd, I attended the

1 California Refuse Removal Council, their annual conference  
2 in Las Vegas, and addressed the entire statewide group.

3 And we'll just leave it at that, right, Mr.  
4 Edgar? What happens in Vegas, stays in Vegas.

5 CHAIRPERSON MARIN: It had nothing to do with  
6 rock and roll.

7 BOARD MEMBER MULÉ: Disco.

8 And that concludes my report, Madam Chair. Thank  
9 you very much.

10 CHAIRPERSON MARIN: Thank you.

11 Mr. Washington.

12 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

13 I have a few items I wanted to ditto. I also  
14 attended the Household Hazardous Waste Conference with Ms.  
15 Mulé. And, again, I won't take much time talking about  
16 it, because I think Ms. Peace and Ms. Mulé have really  
17 done an excellent job on pointing out some of the great  
18 points about the conference. And it was well attended. I  
19 was really impressed with the attendance. And it was a  
20 great conference. And, again, I want to send kudos out to  
21 the staff for doing such a great job at the conference.

22 On April 27th, Madam Chair, I met with the City  
23 of Inglewood to discuss their waste management and the  
24 diversion issues. And I found out that the City of  
25 Inglewood is really moving forward to come into compliance

1 with meeting our mandate for diverting 50 percent of their  
2 waste from the landfill. They're really doing a great  
3 job. I'll be participating, as well as I've invited and  
4 asked the Board members to participate in some of the  
5 programs they're doing with their curbside programs and  
6 things like that. And I told them we'll be glad to help,  
7 if our schedules permit, to participant in that.

8           While I enjoyed the conference, I had to leave  
9 and go over to Otay Landfill. And you guys can see the  
10 difference. I was at a beautiful resort, and I had to  
11 leave and go into some muddy and sticky water. It was  
12 raining that day. So it was -- I mean, I wasn't happy.  
13 The folks that took me down there, they kind of knew I  
14 wanted to stay over at the resort. But it was absolutely  
15 wonderful to see the landfill. They're doing a great job  
16 there. And I was glad I had the opportunity to go and to  
17 visit that landfill.

18           And then I spoke to a senior citizen group in  
19 Los Angeles called the Watts Willowbrook Rotary Club. And  
20 they were very interested in knowing about recycling. And  
21 I offered them -- when I first came to the Board, I went  
22 to the city of Laguna Hills where it's a community of all  
23 senior members. The Council is all senior members. And I  
24 told them I would put them in contact with those folks to  
25 talk about how they can do their programs. And,

1 hopefully, they can get with them and really work out a  
2 plan for those areas in Los Angeles that don't have real  
3 recycling taking place for the cities to participate.

4 And that would conclude my report.

5 CHAIRPERSON MARIN: If I recall, you have a small  
6 presentation.

7 BOARD MEMBER WASHINGTON: I have a small  
8 presentation.

9 And let me invite our staff, if Todd would join  
10 me at the podium here. You all see my friend. I dare to  
11 ask him what happened to him. I don't know.

12 While he's coming, Madam Chair, we have some  
13 distinguished individuals with us today. We are always in  
14 the business of saying to individuals who join with us in  
15 partnership thank you very much. And I will let Todd talk  
16 a little bit about it.

17 But I will tell you, today we're here to say  
18 thank you to the California Highway Patrol, and in  
19 particular, Madam Chair, to the Investigative Service  
20 Unit. There are a number of officers with Sergeant Shawn  
21 McCarthy, and Commercial Unit Officers Al Amore, Mark  
22 Howard, and Stuart Hertel, along with Sergeant Connie  
23 Guzman.

24 And Todd will tell you a little bit about what  
25 happened. They were in a very tough situation. We had



1 allowed a cleanup crew to go out and clean up some tires  
2 on a ranch or something like that called AJ Ranch, I  
3 believe, here in Southern California. And I'll let Todd  
4 take it from there, and then we'll make a presentation to  
5 say thank you to the California Highway Patrol.

6 MR. THALHAMER: Thank you, Board Member  
7 Washington. Todd Thalhamer, Integrated Waste Management  
8 Board.

9 As many of us know, approximately  
10 three-and-a-half months ago, two of our Board staff were  
11 shot at while conducting an investigation on a facility in  
12 Llano. What we don't know is that prior to that, about 18  
13 months before that, Deputy Stephen Sorensen of L.A. County  
14 was shot and killed in the exact same neighborhood we were  
15 working in. I didn't know this at the time that we went  
16 onto AJ Ranch. But doing some research, I realized that  
17 as we were entering our site, we passed an area where this  
18 officer was shot and killed by an individual. This  
19 officer was actually off duty checking on a trespassing  
20 and was shot and killed. And later they did capture the  
21 individual.

22 But just to kind of give you an idea of the  
23 flavor of where we were at. I believe, you know, kind of  
24 Mad Max Thunderdome, the movie might have been filmed out  
25 there. It's not a facility that you go to carefully.

1           With that said, we contacted the CHP to provide  
2 security for us, given the fact we were going to clean up  
3 some tires in the middle of absolutely nowhere in the  
4 middle of Llano.

5           With that said, these officers do due cause,  
6 professional, outstanding service for us. Additionally,  
7 sometimes you ask, you know, was this a call beyond the  
8 normal call of duty, and it was. Because as some of you  
9 may know, some of my estimates vary occasionally. And we  
10 estimated the pile that day was going to take us one day's  
11 worth of work. Well, I remember talking with Sergeant  
12 Guzman, and she said, "Are we going to be done today?"  
13 And I said, "Yes. We will be done today."

14           Unfortunately, as we got into the pile, we  
15 realized somebody took a lot of time and had interwoven  
16 the pile. Instead of just throwing it in the backyard,  
17 they took the time to stack 7,000 tires by hand in an  
18 interwoven pattern, which caused us to go over one day.  
19 We were one truck short. So we asked CHP if they could  
20 come back. And Sergeant Guzman said, "Well, this is a  
21 continuation. I'll make it happen for you." That  
22 commitment to us saved us thousands and thousands of  
23 dollars instead of going back through the process.

24           And with that, I know I have Sergeant Connie  
25 Guzman, Mark Howard, and Al Amore. And I know Stuart

1 Hertel is actually teaching at the academy. And Shawn  
2 McCarthy is actually working currently on assignment with  
3 the freeway shooting. So would the three officers like to  
4 come up.

5 BOARD MEMBER WASHINGTON: You all have guns. You  
6 can go any way you want to. Trust me, nobody is going to  
7 try to stop you.

8 On behalf of the California Integrated Waste  
9 Board, Chair Marin, and my colleagues, we want to thank  
10 you for protecting our staff. And we know that without  
11 you, they wouldn't have completed the job that they've  
12 done. You guys have always been a great partner with the  
13 Integrated Waste Board. And, again, thank you very much  
14 for stepping up and providing that security and support  
15 for the staff as they completed the job they were sent  
16 there to do. Thank you very much.

17 (Applause)

18 SERGEANT GUZMAN: On behalf of the CHP and my  
19 fellow officers, I would like to thank you for recognizing  
20 us. And, for us, it's just doing our job. But it's nice  
21 to be recognized. Thank you.

22 CHAIRPERSON MARIN: Thank you.

23 (Applause)

24 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

25 CHAIRPERSON MARIN: Thank you, Mr. Washington.

1           One of the things that I did tell them is I guess  
2 in this case we do need their stinking badges. They  
3 laughed.

4           I had a pretty busy month myself, and I won't go  
5 over everything. I will just let you know that I'm  
6 working with the Mexico Border 2012 program strategy  
7 between Mexico and the United States. There are some  
8 issues there.

9           I went to deliver the last WRAP Award at the L.A.  
10 Zoo.

11           I did visit Romoland Facility International City  
12 Environmental Solutions that we are working with.

13           And I didn't do a RAC and Roll Tour, but I did a  
14 northern counties tour. It took me to eight different  
15 counties: Colusa, Tehama, Siskiyou, Shasta, Lassen,  
16 Plumas, Butte, and Glenn County.

17           I visited quite a number of different programs,  
18 landfills, different facilities. Everything from the  
19 Earthworm Soil Factory to a correctional facility. It was  
20 an incredible experience. I wanted to thank my advisor  
21 and Kyle Pogue and especially the rural counties RCRC.  
22 They were able to put it all together for me. I went all  
23 the way up to very, very close to the Oregon border. And  
24 I was really impressed with every city. Every community  
25 dedicates talent, energy, and effort to ensure that their

1 goals are met. And it's really impressive. I was very,  
2 very touched.

3 Did I say Colusa County as well? I went to  
4 Colusa County as well. Did a number of media interviews,  
5 attended a budget hearing, and then even yesterday, the  
6 CRRRC annual legislative conference they have. And Ms.  
7 Mulé and Jim Branham, our Undersecretary for EPA, was the  
8 main speaker, as well as Mark Leary.

9 You know, when you think about the challenge that  
10 we have not only as the state and individual communities  
11 and people for industry and people from the environmental  
12 community, to me, it's a truly remarkable effort to see  
13 both individual and collective efforts, everybody working  
14 very hard to meet our goal. And it's very moving, if you  
15 can imagine.

16 You know, I talked a lot -- we also received an  
17 award. We received an award from EPA.

18 Are you going to talk about that? Okay. Great.

19 You know, when I received that award on behalf of  
20 the 434 people that work for this Board, it is humbling to  
21 me, because I know the great work that everybody does.  
22 They get up every morning, and they do a fantastic job.  
23 And I probably don't say it enough to our staff. But it  
24 is amazing. The work that we do really matters. And it  
25 matters in the sense that we are leaving this world a

1 better place with every time that we reduce and reuse and  
2 recycle. You know, it is really impressive.

3 I'm always very humbled that I lead this effort.  
4 And sometimes if we have to enforce the law, we do. But  
5 what we really want is people to be successful and achieve  
6 their individual goals. Because when they do, whether  
7 it's individual companies or our environmental friends or  
8 the industry, when you are successful, we are successful.

9 And so I actually shared a lot the philosophy  
10 that we are moving toward doing -- instead of being busy,  
11 doing things that are meaningful. And I know people get  
12 tired, will get tired. We don't want busywork. We want  
13 meaningful work. And when everybody understands that what  
14 they do is meaningful, I think we will surpass the  
15 challenges before us. And we will reach way over 50  
16 percent diversion rate. You know, when you think about  
17 what you do really is meaningful, really matters. It  
18 cleans up the environment. It protects people's health  
19 and safety. You know, it's really amazing that we're in  
20 charge of this.

21 So with that, I'm going to let Mr. Mark Leary  
22 tell us a little bit of what's going on and tell us more  
23 about the award that we got.

24 EXECUTIVE DIRECTOR LEARY: Good morning, Madam  
25 Chair and members. Thank you very much. And as always,

1 you are a tough act to follow.

2 I do have a couple of items I'd like to report  
3 on. I'll get to the award, if you can just hold your  
4 horses. As I often start, I kind of start from the  
5 mundane and then move into the spectacular.

6 As I often do, I start my report with a  
7 notification of an emergency waiver. The extension of the  
8 waiver previously issued to the Toland Road Landfill in  
9 Ventura County was extended on April 12th and allowed an  
10 increase in disposal tonnage in relation to the La  
11 Conchita landslide. This waiver expired on May 11th.  
12 That fulfills my duties to inform you. There was no  
13 reason to modify that waiver, and we didn't do that.

14 But I do have some rather bigger news. First of  
15 all, it is fundamental here to our mission here at the  
16 Waste Board for the state of California. This year's  
17 announcement, we've completed our 2004 statewide diversion  
18 rate calculation. And the good news is we're back on a  
19 positive trend. We're up to 48 percent, which is an  
20 increase over last year's rate of 47 percent and an  
21 indication that, once again, we're headed in a positive  
22 direction.

23 Landfill disposal increased about a million tons  
24 to just less than 41 million tons in 2004, which is far  
25 less than the previous year's increase which was 2.3

1 million tons. This was more than offset by an increase in  
2 diversion rate of more than 1.2 million tons, to a  
3 statewide total of about 37 million tons.

4           Construction material continues to play a major  
5 role in the waste stream, and we expect it will remain so  
6 over the next several years. We also believe the response  
7 of the Board and local jurisdictions to increase the  
8 emphasis on diverting construction materials has played a  
9 part in the upswing of the diversion rate and that many  
10 new programs that are in planning or implementation stages  
11 will continue to pay dividends into the near future.

12           As a consequence of these focused efforts, our  
13 state remains the leader in waste diversion nationally.  
14 And I'd like to thank the Board and our local partners  
15 particularly for their contributions to its continuing  
16 success.

17           Now on the news of the award, as Madam Chair  
18 noted, we attended -- I had the pleasure of accompanying  
19 Chair Marin to San Francisco where we accepted on behalf  
20 of the entire Board, our entire staff, the U.S. EPA Region  
21 9 2005 Environment Award for Outstanding Achievement  
22 Service from EPA's Regional Administrator Wayne Nastri. I  
23 believe the recognition is well deserved not only by the  
24 Board, but each and every jurisdiction that has worked  
25 towards and attained California's diversion goal, nearly



1 attained. There are many award-winning programs in our  
2 state, and we were proud to join those folks in  
3 San Francisco that day.

4 As we're gathering here today, elsewhere in  
5 Anaheim LEAs from around the state are getting together  
6 down the road as part of our annual LEA Partnership  
7 Conference that will run through Friday. This year's  
8 packed conference covers numerous subjects, including  
9 sessions on the ongoing AB 1497 regulatory activities, our  
10 Tire Program, the LEA Tire Enforcement Grants, nuclear  
11 waste transport, coordination with Regional Water Boards,  
12 fire and solid waste piles, mitigating landfill gas  
13 hazards, and illegal dumping.

14 We'll also have a mini Trade Show and field trips  
15 to the Frank R. Bowerman Landfill, the Olinda Alpha, and  
16 CDT Hybrid Transfer Station. Also knowing you'll be in  
17 town today, we scheduled a social hour for our Board  
18 members to come over and interact with our local  
19 government partners. I know many of you are planning on  
20 attending sessions for the remainder of the week. And  
21 believe me, your attendance would be greatly appreciated  
22 by the staff and the LEAs.

23 With that, Madam Chair, I conclude my report.

24 CHAIRPERSON MARIN: Thank you, Mr. Leary.

25 Okay. Well, we'll move on to the next item, is

1 public comment. At this point in time, if there's anyone  
2 that wishes to address the Board on any item not on the  
3 agenda, this would be the time to do so. And I don't  
4 believe that we have anybody that wishes to address the  
5 Board.

6 I will move into the consent agenda. But before  
7 I do that, is there anybody here that wishes to speak  
8 against the Otay Landfill? Okay. I will just  
9 acknowledge, because it's in our consent item. Before I  
10 move into the consent, I will acknowledge we received a  
11 letter from Airsland Company, Incorporated, and it will go  
12 into the record with their opposition.

13 With that, I will then present the consent  
14 agenda. The items in the consent agenda are Item 1  
15 revised, Item 2, 3, 4 revised, 12, 15, 16, 17, 18, 19, 20,  
16 21, and 22.

17 Is there a motion?

18 BOARD MEMBER MULÉ: Move approval.

19 BOARD MEMBER PEACE: Second.

20 CHAIRPERSON MARIN: Well, the consent agenda on  
21 Item 18, the City of Fresno is not included in the Item  
22 18. There was no recommendation, so we will deal with  
23 Item 18 separately as it relates to the City of Fresno.  
24 Just Fresno.

25 BOARD MEMBER MULÉ: Just Fresno, but the

1 remainder of that item is on consent.

2 Okay. Move approval.

3 BOARD MEMBER PEACE: Second.

4 CHAIRPERSON MARIN: Moved by Ms. Mulé and

5 seconded by Ms. Peace.

6 Any further discussion?

7 Call the roll, please.

8 EXECUTIVE ASSISTANT JIMENEZ: Peace?

9 BOARD MEMBER PEACE: Aye.

10 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

11 BOARD MEMBER MULÉ: Aye.

12 EXECUTIVE ASSISTANT JIMENEZ: Washington?

13 BOARD MEMBER WASHINGTON: Aye.

14 EXECUTIVE ASSISTANT JIMENEZ: Marin?

15 CHAIRPERSON MARIN: Aye.

16 Okay. And let me just run down the agenda for

17 those of you that are following.

18 Item 25 has been pulled.

19 Item 13 was heard at Committee only and will not

20 be heard at the Board.

21 Item 5, 6, and 7 revised, and 8 will be a fiscal

22 consent and will be voted separately.

23 That will leave only Items 9 revised, 10 revised,

24 11, 14, 13, and 24 that will be heard by full Board.

25 So we will now go into the very first report from

1 the Committee for Permitting and Enforcement.

2 Ms. Mulé.

3 BOARD MEMBER MULÉ: Thank you, Madam Chair.

4 I just think you said Item 13, and I think you  
5 meant 14 on the items that we're going to be hearing.

6 CHAIRPERSON MARIN: Yeah. Items that will be  
7 heard by the full Board will be 11, 14, 23, and 24.

8 BOARD MEMBER MULÉ: In the Permitting and  
9 Enforcement Committee, we heard four items. There was one  
10 new solid waste facility permit and three revised permits.  
11 And they were all placed on the consent agenda.

12 And I don't know, Howard, if you have anything to  
13 add to that. No.

14 That concludes my report, Madam Chair.

15 CHAIRPERSON MARIN: Okay. That's very good.

16 So that leads us to Special Waste. Ms. Cheryl  
17 Peace, your report.

18 BOARD MEMBER PEACE: In the Special Waste  
19 Committee last week we heard seven items, four of which  
20 made it into the fiscal consensus category. One, the  
21 approval of a contract to study the technical and economic  
22 possibilities of waste oil being processed via the crude  
23 oil flow instead of as bunker fuel. Two, the approval of  
24 15 Local Government Tire Cleanup Grants to the tune of  
25 nearly \$700,000. Three, the approval of the Tire Fund

1 Commercialization Grants. This would be the last grant  
2 cycle for this exact type of assistance. The Board will  
3 be approving a new structure of technical and grant  
4 assistance which is outlined in the proposed Five-Year  
5 Tire Plan revision. And, four, the approval of Scope of  
6 Work and Agreement with the California Conservation to  
7 work with them to purchase, install, and evaluate products  
8 made from California waste tires. The product stewardship  
9 item, the reallocation item, and the Five-Year Plan  
10 revision were all put forward to the full Board for more  
11 discussion.

12 CHAIRPERSON MARIN: Okay. And, actually, I have  
13 to give something to Mr. Lee, if you would just excuse me  
14 for a second before you give your report.

15 DEPUTY DIRECTOR LEE: My favorite flavor, too.  
16 Thank you, Madam Chair. Hopefully, I won't need them this  
17 morning.

18 CHAIRPERSON MARIN: You should understand it's a  
19 private joke. But I have given him so much heartburn, but  
20 I gave him Tums, Tums, Tums, Tums.

21 (Laughter)

22 DEPUTY DIRECTOR LEE: Good morning. My name is  
23 Jim Lee, Deputy Director of the Special Waste Division.

24 We have a very exciting agenda to put forth for  
25 you today, a number of items that I know will get your

1 attention.

2 First up is Board Item Number 5, Consideration of  
3 Scope of Work and Contractor for the Feasibility Study of  
4 Crude Oil Refineries Processing Used Oil or Products  
5 Derived From Used Oil, Fiscal Year 2004-05, Used Oil Fund,  
6 Contract Concept Number 0-3.

7 This contract was incorporated as part of the  
8 used oil allocation item approved by the Board in  
9 December. This contract will explore the feasibility of  
10 blending waste oil back to crude or pre-treating used oil  
11 prior to blending with crude or semi-refined used oil  
12 products. This research may show the potential for  
13 refineries to absorb a significant amount of the waste oil  
14 production if various technical and economic barriers can  
15 be overcome. This item was heard by the Special Waste  
16 Committee and recommended for consent.

17 Staff requests that the Board approve Resolution  
18 Number 2005-115 and the Scope of Work; approve the  
19 Lawrence Livermore National Laboratory as the contractor;  
20 and direct staff to enter an agreement with the Lawrence  
21 Livermore pursuant to that approval for an amount not to  
22 exceed \$165,000.

23 CHAIRPERSON MARIN: Okay. Thank you.

24 As he said, this item was recommended for fiscal  
25 consent. Is there a motion?

1           BOARD MEMBER PEACE: I'd like to move Resolution  
2 Number 2005-115.

3           BOARD MEMBER MULÉ: Second.

4           CHAIRPERSON MARIN: Moved by Ms. Peace and  
5 seconded by Ms. Mulé.

6           Is there any further discussion?

7           Call the roll on this one.

8           EXECUTIVE ASSISTANT JIMENEZ: Peace?

9           BOARD MEMBER PEACE: Aye.

10          EXECUTIVE ASSISTANT JIMENEZ: Mulé?

11          BOARD MEMBER MULÉ: Aye.

12          EXECUTIVE ASSISTANT JIMENEZ: Washington?

13          BOARD MEMBER WASHINGTON: Aye.

14          EXECUTIVE ASSISTANT JIMENEZ: Marin?

15          CHAIRPERSON MARIN: Aye.

16          Next item.

17          DEPUTY DIRECTOR LEE: Board Item 6, Consideration  
18 of the Grant Awards for the Local Government Waste Tire  
19 Cleanup Grant Program for Fiscal Year 2004-05.

20                 Fifteen applicants are being recommended for  
21 grant awards totaling approximately \$700,000, but below  
22 the \$1 million Five-Year Plan allocation. One applicant,  
23 the City of San Diego, was disqualified since their  
24 application was postmarked but not received by the grant  
25 application deadline. Since this grant program is

1 undersubscribed, and because there are public health and  
2 safety considerations that could go unaddressed if not for  
3 this project, staff recommends that the Board consider  
4 funding for this project as part of the May reallocation.  
5 This item was heard by the Special Waste Committee and  
6 recommended for consent.

7           Therefore, staff requests the Board approve  
8 Resolution 2005-118 and the award of \$693,936.22 to the 15  
9 identified applicants in the Resolution.

10           CHAIRPERSON MARIN: Thank you, Mr. Lee.

11           Is there a motion?

12           BOARD MEMBER PEACE: I'd like to move Resolution  
13 2005-118, Consideration of the Grant Awards for the Local  
14 Government Waste Tire Cleanup Grant Program for Fiscal  
15 Year 2004-2005.

16           BOARD MEMBER MULÉ: Second.

17           CHAIRPERSON MARIN: Moved by Ms. Peace and  
18 seconded by Ms. Mulé.

19           Without objection, we will substitute the  
20 previous roll call.

21           Next item.

22           DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

23           Board Item 7, Consideration of the Grant Awards  
24 for the Product Commercialization Grant Program for Fiscal  
25 Year 2004-05.



1           This item has been revised to reflect that one B  
2 List applicant, United Sport Surfacing of America,  
3 Incorporated, has withdrawn their application. Their  
4 grant award total has been reduced to reflect this fact.  
5 This item was heard by the Special Waste Committee and  
6 recommended for consent.

7           Therefore, staff requests the Board approve the  
8 reward of 1,600,000 to the identified applicants in List A  
9 Resolution to conditionally approve the rankings and award  
10 to the List B applicant and should allocate if funds  
11 become available or at the Board's discretion as part of  
12 the reallocation, and adopt Resolution 2005-119 as  
13 revised.

14           CHAIRPERSON MARIN: And that would be revised 2?

15           DEPUTY DIRECTOR LEE: Pursuant to revision 2,  
16 yes.

17           CHAIRPERSON MARIN: Okay. Is there any  
18 discussion?

19           I know we were just handed the last revision, but  
20 it's basically the dollar amount that corresponds to the  
21 new program.

22           BOARD MEMBER MULÉ: Madam Chair, I mentioned this  
23 in the Committee meeting, but I just want to mention it  
24 again.

25           I just want to commend several of our applicants

1 for the innovative projects they brought before the Board.  
2 This is exactly what we've been hoping for, is to see  
3 expanded markets and having companies working towards  
4 those expanded markets. So, again, I just want to commend  
5 staff for their pursuit of expanded markets and to the  
6 companies that are pursuing these types of projects.  
7 Thank you.

8 CHAIRPERSON MARIN: I would also like to note  
9 that we had more applicants that we received. I think  
10 there was 14 and we only approved 9.

11 I really like the fact there is some competition  
12 that there is actual -- you know, it's not just a grant,  
13 that there is some competition. There has to be the  
14 worthwhile effort.

15 And with that, is there a motion?

16 BOARD MEMBER PEACE: I'd like to move Resolution  
17 2005-119 with Revision 2, Consideration of Grant Awards  
18 for the Tire Product Commercialization Grant Program,  
19 Fiscal Year 2004-2005.

20 BOARD MEMBER MULÉ: Second, Madam Chair.

21 CHAIRPERSON MARIN: Okay. Ms. Peace moved it and  
22 Ms. Mulé seconded it.

23 And without objection, we will substitute the  
24 previous roll call.

25 Next item.

1           DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

2           Board Item 8 is Consideration of Approval and  
3 Scope of Work in Agreement for the Evaluation of Green  
4 Building Products Made From California Waste Tires.

5           This agenda item and Scope of Work have been  
6 revised to reflect changes made at the request of the  
7 Special Waste Committee. Specifically, in consultation  
8 with California Conservation Corps management, we have  
9 more explicitly described and incorporated measurements of  
10 project success and evaluations of project performance.

11           Staff recommends that the Board adopt Resolution  
12 Number 2005-120 approving the Scope of Work and approving  
13 an interagency agreement with the California Conservation  
14 Corps in the amount of \$325,000.

15           CHAIRPERSON MARIN: Okay. Let me just say  
16 something. During the Committee discussion, we revised  
17 the specifics of what we expect to get from this  
18 allocation. I think that you will see more and more that  
19 if we decide to grant money or lend money, that we expect  
20 the specific things coming back. And I really appreciate  
21 the hard work. And my thanks to the CCC that had no  
22 problem articulating exactly what the benefits were going  
23 to be and the results were going to be. This is part of  
24 the heartburn, you know. But I thank you, Mr. Lee.

25           Is there a motion?

1           BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
2 Resolution 2005-120.

3           CHAIRPERSON MARIN: Is there a second?

4           BOARD MEMBER PEACE: Second.

5           CHAIRPERSON MARIN: Ms. Mulé moved and Ms. Peace  
6 seconded.

7           Without objection, we will substitute the  
8 previous roll call.

9           DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

10           Board Item 9 is Consideration of Approval of the  
11 Contractor and Award of Contract for the National Product  
12 Stewardship Dialogue. This item was heard at the Special  
13 Waste Committee but held over for consideration by the  
14 full Board. I'll ask Mitch Delmage to make a brief  
15 presentation on this item.

16           CHAIRPERSON MARIN: Okay.

17           WASTE TIRE DIVERSION MANAGER DELMAGE: Good  
18 morning, Madam Chair, Board members. I'm Mitch Delmage  
19 with the Special Waste Division.

20           This item is the Consideration of the Approval of  
21 a Contract and Award of Contract for the National Product  
22 Stewardship Dialogue. The federal government and many  
23 other states have independently sustained various efforts  
24 for the management of waste tires. The coordination of  
25 these efforts under a national product stewardship

1 umbrella will provide a unified voice with far greater  
2 influence and leveraging of stakeholder resources than  
3 would otherwise be the case. This effort will enhance and  
4 complement, not compete, with the existing U.S. EPA Tire  
5 Working Group. We are in contact with the lead person of  
6 the U.S. EPA's effort who has stated support for our  
7 efforts.

8           Stakeholders have stated support for the effort,  
9 provided it does not duplicate existing efforts. To give  
10 you an example of this, as we speak, this very Tire  
11 Working Group is meeting. And they have five sub-working  
12 groups they're working on. One of them is on crumb  
13 rubber. The other one is on rubberized asphalt,  
14 tire-derived aggregate, tire-derived fuel, and goals. We  
15 see all those as very important.

16           What we want to bring to the table with this  
17 effort is more of the front end, more of the waste  
18 prevention, longer-wear tires, smart tire technology, some  
19 of the things we've been working on with other contracts,  
20 like rolling resistance. So this is the complement we're  
21 talking about. Staff has worked closely with Legal and  
22 Contracts Office to ensure that all State policies and  
23 procedures were followed in the contracting effort.

24           Due to the highly specialized nature of this RFP,  
25 there were very few applicants. We had 17 inquiries. And

1 yet, only two applied. One applied late and was therefore  
2 disqualified. So the one that was remaining was R.W.  
3 Beck. Edward Boisson would head up the efforts and would  
4 serve as the project manager, along with Catherine Wilt of  
5 the University of Tennessee Center for Clean Products and  
6 Clean Technology.

7 R.W. Beck, as you know, is an international  
8 company and would bring a lot to the table on this. So we  
9 appreciate your consideration of this item. And,  
10 therefore, we recommend approval and adoption of  
11 Resolution 2005-122.

12 CHAIRPERSON MARIN: Thank you.

13 I believe one person wishes to speak, Mr. Edward  
14 Boisson from R.W. Beck.

15 MR. BOISSON: Thank you, Board Chair Marin. It's  
16 Boisson.

17 I'm Edward Boisson with R.W. Beck. And what I  
18 really want to do is just offer to answer any questions  
19 you might have about the approach we would bring to the  
20 project. On behalf of myself and my partner in the  
21 project, Catherine Wilt with the Center for Clean  
22 Projects, we've been involved with a fair number of  
23 product stewardship efforts in the country involving other  
24 industries. And we've also done a lot of work in the tire  
25 unit as well. So I'm available to answer any questions

1 you might have.

2 CHAIRPERSON MARIN: Thank you very much for  
3 coming, Mr. Boisson.

4 I want to speak to this item, because I am fully  
5 aware there is a national effort already underway through  
6 the U.S. EPA. And I failed to see how this particular  
7 effort would prove or provide something different than the  
8 effort we're taking at the federal level.

9 I was very careful in looking at the entire item,  
10 and I was wondering what kind of answers that we don't  
11 already have and we don't already know we're looking for.  
12 I'd much rather spend the resources in being a more vocal  
13 advocate at the already existing effort.

14 So if, in fact, we only have one representative  
15 attending this effort at the national level, it would seem  
16 to me that it would make more sense for us to send four or  
17 five people, as there are five committees.

18 You know, I was talking to somebody yesterday  
19 that is familiar with the level of knowledge that we  
20 already possess in the state of California. I mean, we  
21 are, in fact, the state that recycles or diverts, rather,  
22 more tires than any other state. And so we have the  
23 knowledge. We have the skills. We have the experience.  
24 And it would seem to me that if there's already an effort  
25 at the national level, that our presence is stronger there

1 already. Instead of spending hundreds of thousands of  
2 dollars in this effort, I think we get a better bang for  
3 our money if we send or dedicate more staff to be  
4 represented at the federal level.

5 That's my position. I don't know if anybody else  
6 has a similar or different position. But it's very  
7 difficult for me to justify this kind of expenditure when  
8 there's already an existing effort where we can have a  
9 more vocal voice.

10 Ms. Mulé.

11 BOARD MEMBER MULÉ: Thank you, Madam Chair.

12 First of all, I do agree with Mitch's assessment.  
13 R.W. Beck is an extremely reputable firm. I had the  
14 opportunity to work with this company when I was in  
15 Florida, and I will agree that they do good work. And  
16 they are doing work in the Tire unit as well. So I know  
17 they do have experience here.

18 However, I do agree with Chair Marin. As I  
19 recall, last year in July, I believe, we had our Tire  
20 Product Stewardship Dialogue up in Sacramento. And I  
21 believe at the time that we had agreed that we need to get  
22 involved in some type of national dialogue. When I went  
23 through the Scope of Work, I guess to me the conclusion of  
24 this work would be whether or not we should engage in a  
25 dialogue. And we already know that we want to engage in a



1 dialogue. And I just feel that, as Chair Marin has just  
2 stated, our money could be better utilized if we send our  
3 staff to the RCC committees.

4 And, again, my understanding is that the  
5 conference that's being held in Little Rock, those five  
6 committees are meeting concurrently. So it's not like we  
7 could send one person and have them go to all these  
8 committee meetings.

9 So I think it would make more sense at this point  
10 in time for us to begin actually engaging in that dialogue  
11 on a national level with the RCC and seeing what -- and,  
12 again, truly participate. Truly get involved and  
13 participate in these committees and go from there. And  
14 then we can always evaluate this at a later date.

15 Thank you, Madam Chair.

16 CHAIRPERSON MARIN: Thank you.

17 Ms. Peace.

18 BOARD MEMBER PEACE: I'd like to say a couple  
19 things.

20 One, we should be sending more representatives to  
21 the U.S. EPA RCC workshops. I realize sometimes we don't  
22 get approval to send very many of our people out of state,  
23 so sometimes that is hard to do. We might not get the  
24 approval to actually send people out of state to do that.

25 And, one, we are a leader. We're a leader in not

1 only tire recycling, but recycling in general. Everybody  
2 looks to California to see what we're doing. That's why I  
3 think it's important that we go forward with the product  
4 stewardship dialogue. We need to be involved in all these  
5 things. We need to be a leader.

6 I can understand they're reluctant to want to  
7 make sure we're not duplicating effort. But what I'm  
8 concerned about is the fact that this Board agreed in  
9 December to approve a Scope of Work for the National  
10 Product Stewardship for tires, that we allocated funds for  
11 projects. We solicited bids. We evaluated and selected a  
12 contractor. And now it seems like now we're kind of  
13 reneging our commitment to this project.

14 And I guess I'm feeling more that we might look  
15 kind of wishy-washy and unreliable. We decided, you know,  
16 in December this was important, and so we went ahead with  
17 sending out the RFP. And staff thinks this is an  
18 important project. I believe that it does go in several  
19 phases. So I think we start with the first phase and see  
20 if it's going in the right direction. And if we're not  
21 making any headway, we can always pull back the subsequent  
22 funding; is that correct?

23 WASTE TIRE DIVERSION MANAGER DELMAGE: I believe  
24 that the money from this year we would go forward with.  
25 If we decide it's not working out, the money that we've

1 allocated from the next two fiscal years we could decide  
2 then.

3 BOARD MEMBER PEACE: As I said, with that being  
4 said, I mean, since we already did approve the Scope of  
5 Work and we sent out the RFP and have a contractor that  
6 has done everything he can do to get this contract, it  
7 just -- I don't feel comfortable right now saying we  
8 changed our mind after going through all that and saying  
9 this was important. So that's where I stand.

10 CHAIRPERSON MARIN: Thank you, Ms. Peace.  
11 Ms. Mulé.

12 BOARD MEMBER MULÉ: Thank you, Madam Chair.

13 I think that we have a responsibility to change  
14 our minds if we find out information after we started this  
15 process. And at least from my personal perspective,  
16 that's what happened. I was unaware there was an existing  
17 national dialogue going out via the U.S. EPA with the RCC  
18 program. And had I known that, I probably would not have  
19 approved the Scope of Work back in September or December.

20 CHAIRPERSON MARIN: Thank you, Ms. Mulé.  
21 Ms. Peace.

22 BOARD MEMBER PEACE: I was going to ask Mr.  
23 Boisson what this national product stewardship -- what he  
24 plans to accomplish that maybe the U.S. EPA or RCC tire  
25 workshop can't.

1 MR. BOISSON: Thank you, Board Member Peace.

2 CHAIRPERSON MARIN: Before you answer, Mr.

3 Boisson, let me just state, because I want to address two  
4 things that Ms. Peace brought up.

5 You know, if you're going down one path and then  
6 you realize that's not really where you want to go, not  
7 only do you have the right to change the path, but you  
8 have an obligation. Just because you're going one way, if  
9 you think that's going to lead you to the wrong place at  
10 one point you realize, you don't keep going that way just  
11 because I traveled this far.

12 So I have come personally pushing this is not  
13 where I want to go. And this is not where the moneys -- I  
14 mean, this is a quarter of a million dollars. And maybe  
15 we spent a million dollars or \$100,000. Just because we  
16 spend \$100,000 and now in my view that was not money well  
17 spent, not only do I have the right to say I don't want to  
18 spend \$250,000, but I have an obligation not to spend  
19 \$250,000.

20 So with that, you wanted to answer Ms. Peace's  
21 question.

22 MR. BOISSON: Thank you, Chair Marin.

23 I guess I have a few comments I'd like to offer  
24 in response to Ms. Peace's question and some of the other  
25 comments I heard.

1           Let me preface them by saying if we were to be  
2 awarded this contract, our job would be to go out and to  
3 craft a strategy that is effective, that works -- is  
4 consistent with the priorities of the Board and the other  
5 stakeholders around the country. So I don't want to  
6 presuppose what that direction would be. Nevertheless, I  
7 do have some perspectives I'd like to offer.

8           I think the RCC, the Resource Conservation  
9 Challenge, that EPA has been spearheading, it has some  
10 strengths and it has some weaknesses. I had an  
11 opportunity to discuss the program with EPA staff, with  
12 the RMA representative, and with several of the states  
13 that are involved.

14           On the plus side, it is a national program. It  
15 does involve certain stakeholders on the industry side and  
16 the government and to some degree other types of  
17 stakeholders. And they are addressing some issues of  
18 relevance, as has been discussed.

19           Any type of product stewardship effort is  
20 challenging. All of the efforts that have been launched  
21 to date have proven that. There's no cookie cutter  
22 approach, and I would like to acknowledge that. But  
23 within that context, there have been some weaknesses that  
24 have been suggested that I think the approach that has  
25 been suggested in the Board's RFP would overcome.

1           Firstly, there's very limited staff support for  
2 the effort. The folks at EPA, that's the first thing they  
3 told me. They're struggling with the ability to  
4 facilitate the discussions and provide research support  
5 where it's needed to keep the dialogue moving. As a  
6 result of that, they really haven't gotten into moving  
7 agendas forward. I'm trying to reflect what I heard from  
8 some of the stakeholders involved. They're discussing  
9 issues. They have made some decisions regarding goals.  
10 But there are opportunities that, in my view, are being  
11 missed and I think, frankly, the Board could breathe life  
12 into by coordinating our efforts with the EPA's effort,  
13 and then possibly launching a parallel track that is  
14 coordinated but perhaps separate. I'm not sure where that  
15 would go.

16           What I'm referring to are a whole spectrum of  
17 opportunities that would involve working with other states  
18 in a way that would result in using your dollars more  
19 efficiently, since your research dollars and your market  
20 development dollars would be used in conjunction with  
21 other states. And in some cases more effectively. And  
22 I'll give you a couple quick examples and then I'll close.

23           One of the areas briefly mentioned in the RFP and  
24 is sort of the hot topic I think around the country is  
25 promoting the use of rubber plastic compounds in new

1 markets that can be used for crumb rubber. It's a tough  
2 nut to crack. It's attractive because it's very high  
3 value and potentially a very large market, but it's  
4 difficult to crack. I know that the rubber industry and  
5 several states -- I'm working with New York right now, and  
6 I've heard other states mention this -- would be very  
7 interested in collaborating on a project to both document  
8 where those opportunities are and then reach out to other  
9 industries like the chemical industry, the rubber  
10 industry, and the plastic industry. That's just one  
11 example of the type of project that could have tangible  
12 results for both California and other states that are  
13 participating.

14           The other weakness that I have heard is the one  
15 that was already mentioned by Mitch, and that's the EPA's  
16 effort really does not involve the design side of the  
17 spectrum at all. And I think different stakeholders have  
18 strongly different views. That's where the most  
19 controversy is.

20           But apart from the controversy, there's some  
21 areas that I honestly believe we could make progress on,  
22 and I'll just mention one last example of that. The  
23 Association of Postconsumer Plastics Recyclers has a  
24 program that can serve as a model for the tire industry.  
25 It's called Champions for Change. Whenever Coca-Cola or

1 another large beverage company wants to introduce a new  
2 design of a bottle, there's an arena where they can  
3 discuss the implications for these products for the  
4 recycling industry. There is no such analogue at this  
5 point in time for tire recycling, and there are new  
6 designs coming down the pipe all the time. That's just  
7 one example. And I guess I'll leave it there.

8           Hopefully I've answered your question, Ms. Peace.

9           BOARD MEMBER PEACE: Thank you.

10           I do want to mention again that at the Committee  
11 meeting I mentioned when I was at our Tire Conference in  
12 Ontario, I spoke with a woman from the U.S. EPA who was  
13 also there who was speaking at the conference. And I  
14 pulled her aside and I said, "Well, you're involved with  
15 this, you know, the tire workshops on a national level  
16 with the RCC tire workshop." And I said, "We're  
17 considering putting money into a national product  
18 stewardship dialogue. Is this going to conflict with what  
19 you do, or is this something that you feel is important  
20 that we should do and do you really need our money?" And  
21 she said, "Yes, yes, yes. Please, please we need  
22 California's help. California is the leader. The U.S.  
23 EPA wants to try to do these things. We have no money.  
24 And we need California at the table, and we need your  
25 help." And she very much appreciated the fact that we



1 were doing this.

2 CHAIRPERSON MARIN: I'm sure she was. I'm very  
3 positive she was -- of course we want your money. Of  
4 course.

5 BOARD MEMBER MULÉ: Madam Chair, again, is it,  
6 you know, a question of dollars, actual dollars versus  
7 staff involvement? And I think that we would get a lot  
8 more out of our staff being directly involved in the  
9 dialogue.

10 BOARD MEMBER PEACE: We should do both.

11 CHAIRPERSON MARIN: Okay. Well, there is -- Mr.  
12 Washington.

13 BOARD MEMBER PEACE: My feeling is, like they  
14 said, is that the RCC tire workshop is basically, you  
15 know, concerned with civil engineering and RAC and crumb  
16 rubber, which is great, but they've dropped the source  
17 reduction element of it. And I'm sure the tire  
18 manufacturers are going, oh, yeah. They're not on our  
19 tail anymore. I think we need to kind of stay on their  
20 tail.

21 And we had a thing at the Board where they came  
22 and they showed us why they couldn't do this and they  
23 couldn't do that and all kind of safety, but that was  
24 their side. And you kind of hear from the other side that  
25 maybe we could do a little bit more in terms of source

1 reduction, whether it's tire inflating, the little thing  
2 you put in tires that can tell you when the tires need to  
3 be inflated to last longer. There's certain things that  
4 can be encouraged to improve source reduction.

5 If there aren't any other questions --

6 CHAIRPERSON MARIN: No. There is Mr. Washington.

7 BOARD MEMBER WASHINGTON: Madam Chair, let me  
8 offer, listening to the discussion, I believe this is an  
9 important issue. And what I'm hearing from one and from  
10 the other is that we should be participating in the  
11 national dialogue and the stewardship. And then you're  
12 saying, well, we have staff. Why couldn't we use our  
13 staff to do so?

14 Can I offer -- and I'm a politician. I'm able to  
15 count. And I know it takes all of us to get something  
16 accomplished here. Doesn't seem like that's going to  
17 happen today.

18 What I would like to offer before Ms. Peace makes  
19 her motion is that maybe we should pull this item and we  
20 can get CalEPA and those folks here to talk to us.  
21 Because one of the things I'm interested in finding out,  
22 Madam Chair, is how much can we get our staff -- can you  
23 get a commitment from the Administration to allow staff to  
24 participate in --

25 CHAIRPERSON MARIN: Actually, you brought up a

1 very, very good point, because that was --

2 BOARD MEMBER WASHINGTON: But you didn't let me  
3 finish my point.

4 CHAIRPERSON MARIN: The point is we need to send  
5 more people.

6 BOARD MEMBER WASHINGTON: And I think that once  
7 we can get -- and you go back and they say okay, yeah,  
8 then, Ms. Peace, I think we can again address the issue.  
9 I don't think it will do any of us any good to try to take  
10 a vote on this, because we won't get it out today. I  
11 think we should pull it and let Madam Chair go back to the  
12 Administration and see how much we can get our staff to  
13 participate in the national conferences and let them know  
14 how important this is, because it's a very important  
15 issue, and then come back to try to address the issue. I  
16 don't know if I have to make a motion to that nature, but  
17 I think we pull it and go from there.

18 CHAIRPERSON MARIN: You raised the point I was  
19 going to make regarding staff. If I go to CalEPA or if I  
20 go to the Governor's office and I say we can spend  
21 \$250,000 versus allowing four or five members to attend  
22 some of these national meetings, I wonder what they will  
23 say. The commitment will be there, I'm sure.

24 And I'm sure from our staff, Mr. Leary, we should  
25 be able to, if we get the approval for out of state travel

1 and the commitment that the approval process will be  
2 expedited when some of these meetings take place, then we  
3 would have the resources to send.

4 EXECUTIVE DIRECTOR LEARY: I'm confident, Madam  
5 Chair, that we can make a justification to send as many  
6 people as we feel we need to send. But given the  
7 importance of this and the leadership California provides  
8 to all of the federal effort on tires, I'm confident we  
9 can justify having staff participate to the extent you  
10 feel is appropriate. And it sounds like you feel it's  
11 very appropriate.

12 DEPUTY DIRECTOR LEE: Madam Chair, if I may.

13 CHAIRPERSON MARIN: Mr. Lee.

14 DEPUTY DIRECTOR LEE: A final closing note from  
15 staff. First of all, I'd like to acknowledge Board Member  
16 Peace's remarks on this. The Board has had a  
17 long-standing commitment to product stewardship. The  
18 manifest, and MOU on carpet, e-waste, and paper have gone  
19 forward.

20 I think also in deference to the comments that  
21 you, Madam Chair, and Ms. Mulé have said, we understand  
22 that there's a concern that, again, while not dropping our  
23 commitment to product stewardship, we still want to look  
24 at other avenues to perhaps more cost effectively pursue  
25 that.

1           So to that end, we will certainly endeavor to  
2 participate in the national dialogue EPA is conducting to  
3 the extent possible. So I want to put that into  
4 perspective where staff is on this.

5           CHAIRPERSON MARIN: Thank you, Mr. Lee.

6           We do have a speaker. Ms. Tracey Norberg from  
7 IMA.

8           MS. NORBERG: Thank you. I wanted to just take a  
9 few moments and address some of the comments that had been  
10 made this morning and give the tire manufacturer  
11 perspective on the issue.

12           First of all with respect to the Resource  
13 Conservation Challenge, our organization is committed to  
14 participating in that group. In fact, we serve on all of  
15 the committees that are part of the RCC. And Michael  
16 Blumenthal, my colleague who was here with me last week,  
17 is actually organizing our Arkansas conference. And,  
18 therefore, I'm here with you today instead of Michael.

19           But one thing I wanted to clarify as far as the  
20 work of the RCC Committee, the vast majority of the work  
21 they've been doing has been by a conference call. So I  
22 wanted to just sort of allay some of the concerns that you  
23 all have expressed about the ability to travel outside out  
24 of state. That committee has actually not met in person  
25 for over a year. The vast majority of their work has been

1 on the phone on very, very large conference calls. And I  
2 can't encourage enough to have Waste Board staff directly  
3 involved in those conference calls. I think there's been  
4 very limited participation, and we would absolutely love  
5 to have your participation in that in a much stronger way.

6 I think that these volunteer committees, as you  
7 well know, only can accomplish the work set out by the  
8 people who participate in them. So, certainly, if the  
9 Board and California have issues that you would like to  
10 see brought out in the RCC process, I think, you know, the  
11 system is open, really. I think that they're welcome to  
12 many ideas. And we'd certainly welcome that as well.

13 CHAIRPERSON MARIN: Thank you, Ms. Norberg.

14 Okay. Is the wishes of the Board --

15 BOARD MEMBER MULÉ: Do we need a motion?

16 CHAIRPERSON MARIN: We don't need a motion.

17 BOARD MEMBER PEACE: My question was going to be  
18 since this effects the money in the reallocation and  
19 effects the money in how we structure the Five-Year Plan,  
20 you know, how is the best way -- how do we deal with that?

21 DEPUTY DIRECTOR LEE: Board Member Peace, again,  
22 if the Board elects not to approve this particular item,  
23 then we will make the 04-05 funds that would have been  
24 spent on this project available to be reallocated as part  
25 of the subsequent --

1 CHAIRPERSON MARIN: And we will be dealing with  
2 that in just a little while.

3 BOARD MEMBER PEACE: But we'll see this back in  
4 June, because I'm hearing you're just saying no. So we  
5 can deal with that money today when we come to the  
6 reallocation.

7 CHAIRPERSON MARIN: Mr. Washington.

8 BOARD MEMBER WASHINGTON: Madam Chair, I would  
9 like to see the U.S. EPA folks in here, their  
10 representatives, to kind of enlighten us on this issue  
11 about national stewardship. If we could get some of those  
12 folks during the process of working this out, I think that  
13 would be great to have them come in and talk to us.

14 BOARD MEMBER MULÉ: They were at our Tire  
15 Conference in Ontario, and that's where I learned that  
16 there is a national dialogue going on. And they made an  
17 excellent presentation on what they're doing and what the  
18 committees are all about.

19 CHAIRPERSON MARIN: Okay. With that, we will  
20 move onto the next item then, Item Number 10.

21 DEPUTY DIRECTOR LEE: Madam Chair, are we going  
22 to take a vote for the record with regards to that?

23 No.

24 CHAIRPERSON MARIN: We don't need a vote on Item  
25 Number 9. We're not going to take a vote. We're not

1 going to move it in or move it out.

2 DEPUTY DIRECTOR LEE: Board Item 10 is  
3 Consideration of the Concepts to be Funded from the  
4 Reallocation of Unused Fiscal Year 2004-05 Waste Tire  
5 Recycling Management Program Funds.

6 This agenda item, referred to as the May  
7 reallocation, presents the Board with the opportunity to  
8 redirect previously allocated unencumbered funds to new  
9 projects and programs. This issue is approximately 4.3 or  
10 5.3 out of the total \$23 million allocation for fiscal  
11 year 2004-05 available for redirection.

12 The \$1 million difference between the Option A  
13 and Option B grant awards has to do with potential  
14 availability of emergency reserve funds that can be  
15 reallocated contingent upon no emergency situations  
16 occurring by June 30th, 2005.

17 One other point I would like to emphasize is all  
18 of the reallocated 04-05 funds must be encumbered by June  
19 30th. This isn't a problem for those recommended  
20 proposals which involve existing programs or grants.  
21 However, because of the tight time schedule, staff  
22 recommends for any proposal that require Scopes of Work  
23 and interagency agreements that the Board also delegate to  
24 the Executive Director the authority to prepare such  
25 grants, contracts, and Scopes of Work.



1           This item was heard by the Special Waste  
2 Committee, but held over for consideration by the full  
3 Board. There was several of the identified line items the  
4 Committee members raised questions about and which I will  
5 ask Mitch Delmage to discuss as part of his presentation  
6 which will follow in a moment.

7           However, I would like to preface that discussion  
8 by identifying which of the projects are the highest  
9 priority for staff. The project that is the highest  
10 priority is the completion of the Tracy tire fire site  
11 cleanup, which staff would like to accomplish through  
12 augmentation of the existing cleanup contract. Arguably,  
13 cleanup of the tire piles and related contamination and  
14 the public health and environmental impacts therefrom are  
15 the highest priority in the Tire Program.

16           Over seven million tires burned in Tracy. The  
17 tire pile was located in an old gravel mining pit. And  
18 due to that location, the fire could not be extinguished  
19 immediately because of safety concerns for firefighters  
20 and other emergency responders. As a result, the fire  
21 burned or smoldered for over two years before it could be  
22 safely extinguished.

23           One consequence was that the pyrolytic oil and  
24 other contaminations were able to extend deep into  
25 permeable soil and gravel at this old quarry site. And

1 the amount of hazards and non-hazardous waste that the  
2 Board's contractor had to deal with was significantly more  
3 than initially estimated.

4 Reallocation of fiscal year 04-05 funds to  
5 augment the existing remediation contract will allow the  
6 Board's contractor to continue to expeditiously address  
7 the remainder of site cleanup activities.

8 With that, and unless there are specific  
9 questions from the Board about the proposed Tracy tire  
10 site reallocation, I will ask Mitch Delmage to make the  
11 remainder of the staff presentation.

12 WASTE TIRE DIVERSION MANAGER DELMAGE: Good  
13 morning again, Madam Chair and Members.

14 The California Integrated Waste Management Board  
15 receives an annual appropriation through the Budget Act  
16 from the California Tire Recycling Management Fund to  
17 administer the Tire Recycling Act and related legislation.  
18 The Five-Year Plan for the Waste Tire Recycling Management  
19 Program second edition covers fiscal years 2003-04 and  
20 2007-08.

21 This year, approximately \$23 million from the  
22 fund for consultant and professional services was  
23 allocated. Funds were encumbered for various activities  
24 and contracts. And as in most years, for a variety of  
25 reasons, not all those funds were actually expended. To

1 give you an example, late in this year we had a market  
2 development loan zone that we had expected to go to one of  
3 our constituents that fell out. So that left available  
4 1.7 million, just to give you an example.

5           So we come back to the Board in May to reallocate  
6 these funds. The list is generally composed of grant  
7 programs that were oversubscribed and other items that  
8 staff or Board or others that have come to us feel are  
9 significant activities. And we'd like to have you  
10 consider them for funding.

11           So if you look at the list that was part of your  
12 agenda packet, you'll see that we have moneys available or  
13 moneys that we're asking for for several grant programs.  
14 The Track and Other Recreational Surface Grants, we are  
15 requesting 60,000; Playground Cover Grants, 37,000; Local  
16 Government Amnesty Grants, 204,793; Product Commercial  
17 Grants, 400,000; Rubberized Asphalt Grants, 55,653.

18           And then we have some other items such as  
19 Augmentation of the Student Contract. We are very  
20 dependant upon our students. They provide a lot of  
21 service to us. So we have 60,000 for the student  
22 contracts.

23           Then on augmentation of the Northern California  
24 Rubberized Asphalt Concrete Technical Center, we have  
25 100,000.

1           The rubberized pathway for the Joe Serna, Jr.,  
2   CalePA building we have asked for 25,000, but it turns out  
3   that the bids that came in are substantially less. So it  
4   looks like we'll be able to do it for under 10,000.

5           We have the Yolo County Central Landfill proposed  
6   to expire project for 377,000.

7           The Sukut contract that Director Lee has already  
8   mentioned for 2,836,774.26.

9           Smart Tire Technology Testing by the Department  
10   of General Services Fleet for 275,000.

11          The Waste Tire Issues Border between San Diego  
12   and Tijuana for 50,000.

13          Direct Grant for the City of Sacramento for  
14   Independence Field for 150,000.

15          International Asphalt Rubber Conference in  
16   San Diego for 200,000.

17          And the DHS Tire-Derived Resilient Flooring Study  
18   for 100,000.

19          And then, finally, as we mentioned in an earlier  
20   item, we're suggesting the remediation contract to clean  
21   up the Tijuana River in San Diego for 41,575.

22          At the Special Waste Committee, we identified  
23   three items that we wanted to talk more about at the Board  
24   meeting. That will be the Sukut Contract, the  
25   International Asphalt Rubber Conference in San Diego, and

1 the DHS Tire-Derived Resilient Flooring Study.

2 So that being said, are there any questions?

3 CHAIRPERSON MARIN: Thank you.

4 I do have a couple of comments, and I have met  
5 with staff both from the Tire side, from Administration.  
6 I met with the Executive Director as well. I know there  
7 were some questions at least in my mind about this process  
8 and how we have been doing it for years and years and  
9 years needs to be revised, and especially when we know  
10 ahead of time that there may be some money. And,  
11 actually, historically, we have known that there may be up  
12 to 3 to \$4 million. And that's what gets reallocated on a  
13 yearly basis.

14 We cannot make a decision at the very, very end.  
15 And so I have requested that for next year we would have  
16 the information sooner, as early as January, to enable us  
17 to make a policy decision and the direction, especially  
18 given the priorities that this Board has articulated.  
19 Make sure that it's part of our action plan. And more  
20 importantly, that more entities are able to participate.

21 It raised some questions to me, especially in  
22 light of the fact that there is this knowledge or the  
23 perception out there that if we don't spend this money, it  
24 goes into a black hole, never to be seen again. It's  
25 rather ironic that we would actually use that language to

1 justify an expenditure. We will justify our expenditures,  
2 because they meet our priorities, because they are part of  
3 the action plan, because there were enough notice out  
4 there for many jurisdictions to participate and bid on to  
5 answer the specific goals that this Board has set.

6 And so given that, and the fact that this is  
7 traditionally some of the ways that they have been done, I  
8 will go along with a number of them. But I cannot justify  
9 the expenditure on a few of them.

10 So what I will do -- and I know there was a big  
11 question during the Committee regarding Sukut  
12 Construction, Incorporated. There is no question in my  
13 mind that that item needs to be completed. If there was a  
14 perception that I did not want to let the money out to  
15 clean it, that was a misrepresentation on my part. I  
16 want, and I am committed, to cleaning this site.

17 It is embarrassing that one of the reasons why  
18 the money has been allocated to us is to clean up sites  
19 like this, specifically this one. And it's taken years to  
20 clean.

21 And, furthermore, we anticipate that there will  
22 be money from the reallocation and money in the next year  
23 and money maybe in the following year. That needs to  
24 stop.

25 So what I will propose for the Board is that we

1 spend the moneys that have been allocated to other  
2 programs, including the one that we just talked about and  
3 moneys in this current one, and allocate that money to  
4 clean that site once and for all. I want that site  
5 cleaned by the end of this year. And there should be no  
6 justification for us to continue to move forward with  
7 further allocation in the eon years. If we're serious  
8 about this for the public health and safety of the people  
9 surrounding that area, it is important to me and to this  
10 Board that we get that done quickly and in a hurry. I see  
11 people nodding.

12 Mr. Washington.

13 BOARD MEMBER PEACE: I think we're doing it as  
14 quickly as we can. And from what I understand, staff has  
15 told us they need \$5 million to clean it up. We're going  
16 to be giving them 2.8 million here and probably another  
17 \$1,000 from the product stewardship item and maybe some  
18 others we still have questions on. That's plenty of  
19 money, because the 2.2 million that we have in the  
20 Five-Year Plan, that becomes available July 1st or as soon  
21 as the Legislature --

22 CHAIRPERSON MARIN: We will do it. We will  
23 allocate as much money as we can, and we want to clean it  
24 ASAP.

25 BOARD MEMBER PEACE: I think everybody is in

1 agreement with that.

2 CHAIRPERSON MARIN: Okay.

3 BOARD MEMBER PEACE: I think the plan we put out  
4 in the reallocation and the Five-Year Plan does exactly  
5 that.

6 CHAIRPERSON MARIN: Well, for another year and  
7 another year. It stops. It's going to be finished by the  
8 end of this year with the money allocated.

9 Mr. Lee.

10 DEPUTY DIRECTOR LEE: Yes, Madam Chair.

11 The issue is from a cost efficiency standpoint,  
12 being able to reuse the 04-05 as part of the allocation is  
13 preferable to waiting for the allocation in 05-06 year,  
14 given the fact we're not sure when the budget will  
15 actually be passed and the 05-06 allocation will become  
16 available.

17 Right now, the Tracy contractor has basically  
18 essentially ceased work, as we expended all the money in  
19 the contract. So in order to keep things moving, money  
20 can be provided faster and more expeditiously as part of  
21 the reallocation.

22 CHAIRPERSON MARIN: So let me go with that. So  
23 given all of the titles we have, I'm just going to go down  
24 to Item Number 11.

25 MS. FRENCH: I'm going to give you your 100,000



1 from your previous item.

2 CHAIRPERSON MARIN: Thank you. Give me \$100,000.

3 Okay. And that's for this year from the product  
4 stewardship.

5 MS. FRENCH: That's correct.

6 CHAIRPERSON MARIN: The Yolo County Central  
7 Landfill proposed, I need to talk about this one in the  
8 sense I'm sure it is a very fine project. However, if we  
9 were to put this out for other jurisdictions or other  
10 entities or other landfills to compete for this, I'm sure  
11 we would have more. I have nothing against the landfill.  
12 I've been in that landfill. Under different  
13 circumstances, I would be very willing to consider this  
14 one in particular.

15 But it seems to me that we would not be fair  
16 unless we open it up. And if nobody else wants to do it,  
17 then that's fine. But to just single one particular  
18 entity for a very significant allocation, I think for my  
19 fiscal prudence, I think it's not a good idea. So for the  
20 next year or later on as we call for different proposals,  
21 we should be able to open this to a lot of people. So I  
22 will be requesting that we allocate that amount to the  
23 Tracy project.

24 And the same thing will be for the International  
25 Asphalt Rubber Conference in San Diego. I understand

1 other entities are very willing and able to do that  
2 conference. There is no need for the State of California  
3 to allocate \$200,000 for that.

4 And the same thing for the DHS Tire-Derived  
5 Resilient Study. I personally couldn't be convinced to  
6 allocate \$100,000 for that. So if I may, I would like to  
7 move that.

8 And the Smart Tire Technology Testing for the  
9 Department of General Services, I talked to staff about  
10 that one. And I believe that we could get the testing  
11 done with a smaller allocation. We will try to get that  
12 done. I believe we suggested 125,000. I'm doing this  
13 from memory.

14 WASTE TIRE DIVERSION MANAGER DELMAGE: 150. Real  
15 close.

16 CHAIRPERSON MARIN: \$150,000. So it's 125 that  
17 would be shifted. Well, it was 25 somewhere. I believe  
18 that was it.

19 MS. FRENCH: The rubberized pathway.

20 CHAIRPERSON MARIN: To 15,000, I believe.

21 MS. FRENCH: How about 12?

22 WASTE TIRE DIVERSION MANAGER DELMAGE: I believe  
23 we can do it for under 10 now.

24 CHAIRPERSON MARIN: We'll allocate 10,000.

25 If I recall, that's it. So how much money will

1 be allocated to Sukut Construction?

2 MS. FRENCH: The amount in the middle, that's  
3 what you have remaining, 3,753,774.26.

4 BOARD MEMBER PEACE: Could we have some  
5 discussion before we make those changes?

6 CHAIRPERSON MARIN: Yeah. We're going to move  
7 into that, and we also have one person wanting to speak.  
8 But that would be my proposal. So let me see -- Mr.  
9 Washington.

10 BOARD MEMBER WASHINGTON: Madam Chair, with your  
11 proposal, the 3.75, would that be enough to clean Tracy by  
12 the end of the year?

13 CHAIRPERSON MARIN: That, plus the allocation in  
14 the Five-Year Plan, the difference. And that will lead us  
15 to have more money for other projects that are clearly not  
16 priorities. But this sends a very clear message regarding  
17 the purpose. Okay.

18 Ms. Peace.

19 BOARD MEMBER PEACE: I was wondering if staff  
20 could address the Yolo County issue and why we think  
21 that's important.

22 CHAIRPERSON MARIN: I also have Ramin that would  
23 like to speak to that.

24 SPECIAL WASTE DIVISION SUPERVISOR FUJII: Madam  
25 Chair, Bob Fujii, Special Waste Division.

1 I was just going to refer to Ramin on this issue  
2 and give the Board an explanation on that and why he feels  
3 that's important to go forward.

4 CHAIRPERSON MARIN: Thank you very much.  
5 Mr. Yazdani.

6 MR. YAZDANI: Good morning, Madam Chair and Board  
7 members. Ramin Yazdani, Yolo County.

8 I want to just kind of give a little background  
9 why Yolo County is doing this. And we were contacted by  
10 the Waste Board for a number of reasons. One is that  
11 early on the landfill had the expertise in the field that  
12 is well known in the industry, have done a number of years  
13 of research. We have a team that is capable of doing the  
14 kind of work that we have pioneered in California and  
15 throughout the United States.

16 The project is unique, because we have not only  
17 worked on developing civil engineering application in our  
18 landfill, but it's also going to help to create the market  
19 in the field. We work with the industry as well as I've  
20 talked to the Tri-C yesterday about how we can come up  
21 with better markets for chip tires. And I mentioned the  
22 projects are designed to do that.

23 So I don't think if you went out there and put  
24 this project out to bid -- one of the reasons we have been  
25 contacted is because we also have a research project we're

1 working on right now. This is research within the  
2 research. We're bringing in about \$800,000 of matching  
3 funds, which is much more than what you're offering to  
4 provide us.

5           So the timing of the project basically has to  
6 happen this summer, because we are constructing our other  
7 project. And this is going to take advantage of the fact  
8 we're doing research with three universities and Yolo  
9 County. I don't think you're going to find anybody, if  
10 you open it up to do that kind of research, that is not  
11 only going to create market, but it's also going to  
12 provide some technical background that's going to help in  
13 the future.

14           You are sitting here today talking about  
15 bioreactor, the County started doing work on their own  
16 ten years ago. And I came to this Board back then, and I  
17 said, "Let's do bioreactors," and I got turned down. And  
18 we went ahead and did that with the help of the California  
19 Energy Commission. And later on when I came back to the  
20 Board, then they saw the results.

21           So you know, I will continue to do the work I'm  
22 doing whether this money is provided or not. I'm going to  
23 go ahead and do it. But it was just another way of  
24 helping the county who is taking leadership and being  
25 partner with the Waste Board.

1           So thank you for your time.

2           CHAIRPERSON MARIN: Thank you, Mr. Yazdani. And  
3 I think that actually answered my point.

4           You know, absent this reallocation, if there was  
5 no money to be reallocated, this project will continue.  
6 And so just because there is money there, it doesn't mean  
7 that we should spend it. And you would continue to do  
8 this project.

9           MR. YAZDANI: Well, I need to correct myself,  
10 because we will continue. But the tire aspect of it will  
11 not be part of the project, because we had not planned to  
12 use tires to do some of these demonstration projects. So  
13 there will not be those aspects in the project.

14           But what I'm saying is there is more costs to the  
15 project than just the tires. And the County has committed  
16 to do that as part of the bioreactor project.

17           CHAIRPERSON MARIN: Ms. Peace and then Mr.  
18 Washington.

19           BOARD MEMBER PEACE: And on top of that, I think  
20 we do need to be a partner. And it comes down to \$4.71 a  
21 tire. And compared to some of our other programs, that's  
22 a pretty good deal.

23           CHAIRPERSON MARIN: Mr. Washington.

24           BOARD MEMBER WASHINGTON: Madam Chair, on Number  
25 7, DHS, the Tire-Derived Study, for staff, is that an

1 existing study that's taking place right now?

2 DEPUTY DIRECTOR LEE: It's an expansion or  
3 augmentation of an existing contract.

4 BOARD MEMBER WASHINGTON: Thank you.

5 CHAIRPERSON MARIN: Ms. Mulé.

6 BOARD MEMBER MULÉ: Thank you, Madam Chair.

7 I've been struggling with this item since the  
8 Committee meeting. And I just want to make a few comments  
9 on it.

10 As we stated earlier, we have a responsibility  
11 and obligation to spend these moneys in a responsible  
12 manner. And my philosophy is fairly simple. I think that  
13 we should spend this reallocation money based on our  
14 priorities. And, again, my understanding is that it's  
15 pretty clear what our priorities are as set forth in SB  
16 876, and that is to clean up these tires.

17 So my question to staff is, what will it take to  
18 clean up Tracy? And if you had unlimited resources, if  
19 you had the \$5 million, when could we anticipate that the  
20 Tracy site will be -- the clean up would be completed?

21 SPECIAL WASTE DIVISION SUPERVISOR FUJII: I'm  
22 going to take a crack at this. Bob Fujii, Special Waste  
23 Division. I've got Todd Thalhamer of my staff who is the  
24 project manager on the project as well.

25 I believe, given the resources, that that site

1 could be cleaned up by the end of this year. I'm going to  
2 make a commitment to that. Barring any jump up of my  
3 staff that say no, that's not happening, I believe with  
4 the operation that we have started out there and the  
5 amount of resources for the program -- amount of  
6 resources, I believe we had mentioned November 2004 that  
7 \$5 million is the amount of money needed to clean up the  
8 site at that point in time. I believe that's still the  
9 estimate. So, again, I think the date would be the end of  
10 this year.

11 BOARD MEMBER MULÉ: Thank you.

12 That being said, I think in my mind at least,  
13 it's fairly evident that since this is our priority, that  
14 we should develop as much of our resources in this  
15 reallocation to the clean up of that site so we can  
16 accomplish it, we can complete it, and it's done.

17 The other thing is that I did make the comment at  
18 our Committee meeting -- and it's basically agreeing with  
19 what you said, Madam Chair -- is that we really should  
20 start this reallocation process in the beginning in  
21 January.

22 So with that, I think that we should look at how  
23 we're allocating these dollars based on our priorities.  
24 And, again, if -- and, to me, I think it just makes it  
25 cleaner. It makes it simpler for all of us to allocate



1 this money. And so that's how I'd like to approach this.

2 You know, like I said, I've struggled with this.

3 I've tried to get a handle on it. And, again, the

4 conclusion that I come to is that we really can make this

5 process much easier and much simpler on everyone based on

6 our priorities. So that's how I'd like to approach this,

7 Madam Chair.

8 CHAIRPERSON MARIN: Thank you.

9 Ms. Peace.

10 BOARD MEMBER PEACE: When you start talking about

11 we need to start doing this in January, we need to totally

12 rethink how we do this -- I mean, I just don't think that

13 we just decide unilaterally we're going to do that. I

14 would like staff to come back with the pros and cons on

15 why we do it this way and can we do it the next way. And

16 let us vote on whether we want to change it.

17 It has been traditionally done this way when you

18 wait to the end of the fiscal year. Because, in the past,

19 Boards have decided they didn't want to piecemeal out. We

20 have a little bit of money here, you know, decide to put

21 some here and over there. They wanted to have the whole

22 amount of money in front of them so they could decide

23 based on their priorities how they wanted to spend that

24 money that is left. They didn't want to do it in a

25 piecemeal event.

1           CHAIRPERSON MARIN: And I would absolutely agree  
2 a thousand percent we don't want to do it piecemeal.  
3 But --

4           BOARD MEMBER PEACE: But we don't always know in  
5 January how much money --

6           CHAIRPERSON MARIN: Oh, believe me. I went back  
7 and asked a simpler question. And that is, traditionally,  
8 what kind of moneys have you been reallocating? You know,  
9 has it been a million dollars? Has it been \$2 million?  
10 How much? And, traditionally, there's been a bulk, and  
11 it's 3 to \$4 million. So we already know there is a very  
12 clear history.

13           So the next question is, if we already anticipate  
14 there will be more or less -- given that history, that  
15 there will be 3 to 4 to \$5 million, I put forth it would  
16 seem to me that if we are really -- we have our  
17 Administration Chief that will know as expenditures come  
18 and money is disbursed, rather, we will know. He will  
19 have that information. We will have a pretty good idea  
20 how much we can anticipate having, give or take a few  
21 hundred thousand dollars. But it will be a lot easier to  
22 deal with a smaller amount at the very, very end.

23           But more importantly than that, if we have a very  
24 clear set of priorities, it's very simple how that money  
25 gets allocated, whether we have a million left or \$5

1 million left. Because we will have a very clearly stated  
2 set of priorities that will fulfill our action plan.

3           So I can appreciate why the Board did that in the  
4 past when it was -- you know, you give me one. I want  
5 this project and that project. And, no, I really want  
6 this project. And it was -- poor staff for all running  
7 crazy. This way, you don't have a project. I don't have  
8 a project. Mr. Washington doesn't have a project. Ms.  
9 Mulé doesn't have a project. We have decided way ahead of  
10 time what our priorities are, what our plan of action is.  
11 And wherever there is money, simple. Goes here. Next  
12 item goes here, whatever money is available. We've  
13 discussed this at length.

14           BOARD MEMBER PEACE: I hope we do. And we have  
15 set out our priorities in the Revised Five-Year Plan. And  
16 you well know that is quite a bit different than what it's  
17 been in the past. So I don't anticipate we'll be having  
18 that much money to reallocate.

19           CHAIRPERSON MARIN: Then all of this is for not.

20           DEPUTY DIRECTOR LEE: Madam Chair, if I may. I'd  
21 like to hopefully put more perspective on this.

22           I think Board Member Peace rightly points out the  
23 practice of the past has been to present this in May,  
24 because typically the Board didn't want to consider all  
25 the potential reallocations after staff had made every

1 attempt to basically implement the Board's directives as  
2 set forth in the Five-Year Plan for that year.

3           So given this year as an example, the Five-Year  
4 Plan set forth things we were supposed to do. And we were  
5 working to the last minute trying to accomplish that. And  
6 just to give you one example, we were expecting to have  
7 money spent in the RMDZ program, but the expected loan  
8 they were working on right at the end fell through. So  
9 there was \$1.6 million that was available just because of  
10 that.

11           I think we've talked at several Board meetings  
12 about the need to increase our local enforcement presence.  
13 We had \$6 million allocated. Despite our best efforts, we  
14 couldn't get enough applicants to step up to the plate to  
15 absorb all of that. So, you know, typically, we're  
16 pushing that envelope and trying to implement the Board's  
17 directives to us as set forth in the Five-Year Plan.

18           That said, I think staff can certainly provide  
19 more perspective earlier in the year about how things are  
20 shaping up and to see if there are any particular areas or  
21 additional areas of emphasis that you want us to consider.  
22 And, again, if the mandate, again, is to consider a wider  
23 solicitation of potential proposals, that's something that  
24 we would like to carefully consider.

25           So I think I very much appreciate Board Member

1 Peace's remarks on this, because we are trying to maintain  
2 some process here. But that said, I think we can make  
3 some modifications, as you will, to accommodate this  
4 change for next year.

5 CHAIRPERSON MARIN: Thank you, Mr. Lee.

6 I think in addition to that, we've been  
7 challenged by the Enforcement Grants not being  
8 oversubscribed as other ones are. I think when we revise  
9 our grant process where jurisdictions are going to be able  
10 to instead of -- and we talked about this -- instead of  
11 requesting -- you know, making three different proposals  
12 for three different contracts, that they'll be able to  
13 submit one for three different projects and so forth. We  
14 need to discuss that at the next item. But we're going to  
15 make it a lot simpler for jurisdictions to be able to get  
16 some of these moneys in a faster, better, and easier way.  
17 And maybe instead of having a one-year allocation, that  
18 cities can request two years, therefore further  
19 facilitating their ability to get some of this funding.  
20 But that's a discussion for another day.

21 Is there a motion to approve -- oh, I have one  
22 more person to speak. Chuck, your opportunity to speak  
23 already passed.

24 MR. WHITE: I was afraid you were going to say  
25 something like that. I'm Chuck White with Waste

1 Management.

2 But I did want to offer some comments on the Yolo  
3 County Landfill. I'm not going to presuppose to advise  
4 you on your relative priorities. You have to make that  
5 judgment based upon limited funds and a multitude of  
6 projects. But I would like to point out that the Yolo  
7 County Landfill is really a preeminent research landfill  
8 in the state, if not the nation, if not the world. Really  
9 renowned. I don't think there's other landfills that  
10 would be competing for these dollars and would be in a  
11 position to do work that Ramin Yazdani and his people that  
12 are really oriented to doing this kind of work.

13 It's an important function, whether or not you  
14 need to fund it to the full amount. But I would urge you  
15 to consider funding his work to use tire shreds in a  
16 variety of purposes in landfills. And I think this could  
17 be a real source of diversion of landfill tires in the  
18 future and needs to be better documentation on the record  
19 how well this material works within landfills.

20 There's a window of opportunity this year for  
21 work Ramin is doing on a new cell. If we don't do it now,  
22 we'll lose that opportunity for the foreseeable future.  
23 So I urge you in weighing all the myriad of things that  
24 are challenging you, I would urge you to give some level  
25 of funding to encourage the use of that. It's not our

1 landfill. But we do look to the work that Ramin and his  
2 cohorts do to help bring the overall education and  
3 research level up within the tire industry.

4 Thank you.

5 CHAIRPERSON MARIN: Thank you.

6 Now you've taken your one and only opportunity to  
7 speak before this Board.

8 MR. WHITE: I know you don't really mean that.

9 CHAIRPERSON MARIN: Any further questions or  
10 comments from the Board?

11 BOARD MEMBER PEACE: Mr. White said I think the  
12 research that they do is important, and other landfills  
13 will be able to take that work they put out and the  
14 results and stuff for that and use that at their  
15 landfills. I think the Yolo County Landfill project is a  
16 good one, and I propose that we leave it in. There's  
17 still plenty of money to complete the cleanup of Tracy.  
18 We have money to do that even with doing that.

19 So if we give -- say we give Tracy 3 million now,  
20 can they even spend all that before they get the new  
21 funding?

22 CHAIRPERSON MARIN: Before you answer that, let  
23 me do this. Let me just take Yolo out of the picture.  
24 Let me just make a motion for everything else, and then we  
25 will discuss Yolo. Okay.

1           BOARD MEMBER PEACE: I also want to talk about  
2 the asphalt conference also. I mean, I can understand we  
3 don't want to put up the full amount of money for it. But  
4 if, Madam Chair, we at least put up part of it, other  
5 people will step up to the plate. I would propose still  
6 leaving at least \$50,000 in there to get it started.

7           CHAIRPERSON MARIN: Let me see if there is  
8 agreement on all the other ones, so we just move and we  
9 don't --

10          BOARD MEMBER MULÉ: We should take it all. We  
11 should --

12          BOARD MEMBER WASHINGTON: Don't take a vote,  
13 Madam Chair.

14          CHAIRPERSON MARIN: All right. Okay. We're  
15 going to -- I'm just trying to make it easier.

16          You have -- let's deal with Yolo. You want this  
17 money and you're proposing that we fully fund the 377,000.

18          BOARD MEMBER PEACE: I think this is a good  
19 project. I think it's a good project. We look to them to  
20 be a leader in this type of research.

21          CHAIRPERSON MARIN: So your proposal is to  
22 allocate 377,000.

23          Okay. Does anybody else feel that way? Because  
24 I certainly don't.

25          BOARD MEMBER MULÉ: Madam Chair, it's not that I



1 don't support what Yolo County is doing. I personally  
2 have a hard time with providing \$377,000 without some type  
3 of proposal process. Because I think there may be other  
4 landfill facilities out there that may be able to do  
5 something similar.

6 BOARD MEMBER PEACE: Didn't we just hear Mr.  
7 White say there really isn't and they look to Yolo County  
8 for their research and leadership in using tires in  
9 landfill?

10 CHAIRPERSON MARIN: For this particular proposal.  
11 What I'm saying, and I think Ms. Mulé is saying as well,  
12 is that if we were to have \$377,000 and do an RFP, maybe  
13 it wouldn't necessarily be this particular proposal that  
14 would take this amount of tires, but there may be another  
15 proposal that would take that much more tires that would  
16 further the same purpose.

17 And it has to do with the perception out there.  
18 You know, we need to be extremely cautious. This is not  
19 I'm giving all this money to my friend or I called up  
20 Ramin and said, "We have millions of dollars out there.  
21 What can you come up with that will further the effort to  
22 reduce tires?" Well, we can do this. But there was no  
23 phone call made to anybody else. So I think we need to be  
24 extremely cautious.

25 If we do this, maybe we do it next year. And we

1 send out and we let everybody know. And we think this is  
2 extremely important. And if Ramin can do it and nobody  
3 else can, that's fine. But we didn't contact anybody else  
4 to say, "Could you come up with a proposal and how much?"  
5 How do you know that? And the last thing that we want is  
6 for anybody to perceive that we're just passing out money  
7 to our friends.

8 BOARD MEMBER PEACE: I don't think anybody  
9 perceives it that way. They've been a leader. They're  
10 doing the bioreactor research and development project.  
11 Nobody else is doing that.

12 Mr. White, do you know of any other landfills in  
13 the state that would want to do this?

14 CHAIRPERSON MARIN: Would you know of any other  
15 one that would do something similar or that would be able  
16 to? You know, I don't even know why we're asking this  
17 question.

18 MR. WHITE: Chuck White with Waste Management.

19 I'm not aware of any other landfill. I haven't  
20 talked to all the landfill operators. I don't think Waste  
21 Management is in the kind of position of doing this kind  
22 of extensive research that Ramin -- everybody has had an  
23 opportunity to put forward projects for your  
24 consideration. We're not in the mix for that. But I  
25 think Ramin's project needs some consideration. If not

1 the full level he's requesting, at least some level to  
2 move this project forward this year, which is on the table  
3 right now. Thank you.

4 BOARD MEMBER PEACE: Thank you.

5 BOARD MEMBER WASHINGTON: Madam Chair, I would  
6 like if we can, I want us to keep in mind that it takes  
7 all four of us to agree. So we can discuss all day long  
8 if you want to. If you can go through this and take out  
9 the items that we do agree on, I was hoping to do that.  
10 And then the other things, we'll have to take them up  
11 later at some point. It makes no sense to continue to go  
12 on if we're not going to have all four votes on all these  
13 items. Maybe I'm missing something here. But I would  
14 like for us to go through and try to -- I think we all  
15 agree with Tracy. Let's get Tracy and Sukut out of our  
16 hair. If we all agree that we want to put --

17 CHAIRPERSON MARIN: Well, the only items left are  
18 Yolo County, and I guess Ms. Peace also wants to spend  
19 money on the international conference in San Diego. Those  
20 are the only two items. That's half a million dollars.  
21 More than -- almost \$600,000. I mean, this is a lot of  
22 money.

23 BOARD MEMBER WASHINGTON: And the international  
24 asphalt conference, do we sponsor that conference or --

25 BOARD MEMBER PEACE: We never have before, but

1 there's only been two; one in Brazil and one in Portugal.  
2 And we're proposing that we help sponsor one here in  
3 California.

4 DEPUTY DIRECTOR LEE: Madam Chair, if I may. It  
5 seems like one of the bones for contention on the Yolo  
6 County is the fact it was not competitively bid. I think  
7 as Mr. Yazdani has pointed out, and I think in staff's  
8 presentation at the Committee meeting, I think it's  
9 desirable, again, to have this type of project to  
10 encourage the use of tires in landfills. They can absorb  
11 a significant amount of tires.

12 So staff would propose for the Board's  
13 consideration not using the reallocation money, because  
14 then there's not sufficient time to go out for another  
15 solicitation. But if it is the Board's desire, that that  
16 type of RFP process could be accommodated as part of the  
17 Five-Year Plan in 05-06.

18 CHAIRPERSON MARIN: That's perfect. That's  
19 perfect. Is that okay?

20 BOARD MEMBER PEACE: That's what I was going to  
21 suggest.

22 CHAIRPERSON MARIN: And then that would leave the  
23 International Rubber Conference in San Diego.

24 Ms. Peace.

25 BOARD MEMBER PEACE: Maybe staff wants to address

1 this.

2 I still think it's important that we be a leader  
3 in all aspects of RAC. And I propose we still put in  
4 \$50,000, kind of just to get the ball rolling and get it  
5 started. And I think other people will come to the plate  
6 and put in money. But I'd like to show we're a leader in  
7 this.

8 CHAIRPERSON MARIN: Ms. Mulé.

9 BOARD MEMBER MULÉ: Thank you, Madam Chair.

10 What I'd like to see is, if we do commit any  
11 dollars to the conference, that it's contingent upon other  
12 sponsors coming up with a matching amount. So if we  
13 committed \$50,000, that wouldn't be actually committed  
14 until there was another matching sponsorship or  
15 sponsorships equaling to \$50,000.

16 CHAIRPERSON MARIN: Mr. Washington.

17 \$50,000 versus 150. That would be if and only if  
18 other sponsors come to the table with an equal amount.  
19 Did I phrase that correctly?

20 BOARD MEMBER MULÉ: Is that something you would  
21 agree to on the conference?

22 BOARD MEMBER WASHINGTON: Yeah. You know, do we  
23 know what it costs to do this conference? Does anybody  
24 have a number why we came up with 200,000?

25 CHAIRPERSON MARIN: Mitch did do some research on

1 this.

2 WASTE TIRE DIVERSION MANAGER DELMAGE: The  
3 original -- not the original, but there's been several of  
4 these. The one that was done in Brazil was done for  
5 150,000. And the people involved with that one suggested  
6 that it would probably be around 200,000 to do the same  
7 thing in California. We would expect between 300 and 400  
8 participants coming from around the world.

9 The major cost would be transporting speakers  
10 from other countries. There was a conference that was  
11 done in Sacramento last week that was considerably more  
12 expensive, but the way they kept the costs down was by the  
13 people that set up booths would sponsor a speaker and pay  
14 their way here. So that's how they recouped some of their  
15 moneys.

16 BOARD MEMBER MULÉ: Mitch, as I recollect at our  
17 Committee meeting last week, Mr. Blumenthal stated  
18 \$100,000 would be sufficient to cover the cost of the  
19 speakers and transportation.

20 I see Tracey coming up, so I don't know if she  
21 wants to address that.

22 But I recall that Mr. Blumenthal had stated as  
23 such last week in our Committee meeting.

24 BOARD MEMBER WASHINGTON: And Madam Chair, just  
25 before Tracey, did I understand for the entire conference

1 will be about 100 to 150,000? So -- I'm sorry. Go ahead.

2 Is that --

3 WASTE TIRE DIVERSION MANAGER DELMAGE: Well, what  
4 we were proposing is 200,000 for the entire conference.  
5 The similar conference that was conducted in Brazil two  
6 years ago was 150,000.

7 BOARD MEMBER WASHINGTON: So we would pay for the  
8 entire conference and no other sponsors. Why would we do  
9 that?

10 CHAIRPERSON MARIN: Ms. Norberg.

11 BOARD MEMBER PEACE: Staff was proposing we put  
12 up the 200,000. And when we got other sponsors that --  
13 and then we got the registration fees, it would deduct how  
14 much we would put in.

15 WASTE TIRE DIVERSION MANAGER DELMAGE: That's  
16 correct.

17 BOARD MEMBER WASHINGTON: So we up-front the  
18 money, and if none of the sponsors come through, we're  
19 stuck. I don't think so. I mean, I understand --

20 MS. NORBERG: Hello, again. I'm Tracey Norberg  
21 with the Rubber Manufacturers Association.

22 And as you all mentioned, our organization has  
23 considerable experience in organizing and executing  
24 conferences regarding scrap tires. And, actually, on the  
25 subject of rubber modified asphalt, we've partnered with a

1 number of organizations to have two conferences; one was  
2 last year, and one is actually next week dealing with  
3 rubber modified issues in San Antonio. And we have been  
4 able to harness our resources with the resources of a  
5 number of other organizations.

6 And we would definitely be willing to work with  
7 staff and you all to come up with a comprehensive approach  
8 to how to put on a conference, how much money would be  
9 allocated, how much really is needed. And it's our sense  
10 that 200,000 would be much more than what would be  
11 adequate to have a good conference.

12 CHAIRPERSON MARIN: Let me ask you, if we do not  
13 sponsor it -- and by that I mean, we don't come up with a  
14 significant amount of money -- would this conference take  
15 place? Maybe not in California, but this international  
16 conference would take place somewhere else; right?

17 MS. NORBERG: I'm not familiar -- I don't know if  
18 there would be an international conference. But,  
19 certainly, in the area of rubber modified asphalt, there's  
20 a considerable amount of interest. And we're seeing a  
21 real demonstration of support for conferences. Whether  
22 this international conference would happen here in  
23 California, that's another question. But to me, I think  
24 the first thing that's needed is leadership to talk about  
25 setting up a conference and commitment to do that. And



1 we'd would be willing to partner --

2 CHAIRPERSON MARIN: Hold on. We have many people  
3 talking at the same time. Okay.

4 MS. NORBERG: So I guess our recommendation would  
5 be to look at what the overall approach to the conference  
6 would be and then go about a budget, so you really see  
7 what kind of money needs to be allocated and how to meet  
8 that number. And we'd be willing to work with you to do  
9 that.

10 CHAIRPERSON MARIN: Mr. Washington.

11 BOARD MEMBER WASHINGTON: Madam Chair, I think  
12 Ms. Mulé came up with a perfect solution to this. We put  
13 the 50 in and contingent on the support. I believe they  
14 will get it based on registration and other people joining  
15 in. Let's put the \$50,000 in and move forward like that.

16 CHAIRPERSON MARIN: Okay. Ms. Peace, are you  
17 okay with \$50,000?

18 BOARD MEMBER PEACE: Yes, I am.

19 CHAIRPERSON MARIN: Okay. So that comes out of  
20 Sukut Construction -- or rather the Tracy cleanup. So  
21 it's 150.

22 Sally, is this the true figure?

23 MS. FRENCH: Yes.

24 CHAIRPERSON MARIN: So help the Board?

25 MS. FRENCH: I'm not hiding any more funds.

1 CHAIRPERSON MARIN: So the motion --

2 BOARD MEMBER WASHINGTON: Madam Chair.

3 CHAIRPERSON MARIN: Sorry.

4 BOARD MEMBER WASHINGTON: I want to you stay on  
5 roll. Before you do that, I want to ask a question about  
6 the DHS. I just have a -- if we don't do this, how would  
7 we find out about the types of emissions?

8 CHAIRPERSON MARIN: If we've already spent  
9 \$400,000 finding out about the emission levels, this was  
10 more for inside and -- let me see how can I put it nicely.  
11 I cannot put it nicely. I just couldn't be convinced. I  
12 couldn't be convinced that the expenditure of \$100,000  
13 figuring some emission levels inside could be justified.

14 BOARD MEMBER MULÉ: I believe -- again, staff, if  
15 you can clarify this. My understanding at the Committee  
16 meeting was that the original study went to study the  
17 effects for three months, and this would expand it to one  
18 year. Could you clarify that for us?

19 DEPUTY DIRECTOR LEE: I believe that's the extent  
20 of this that Board Chair Marin noted. We have put  
21 significant resources towards this already. This was  
22 something that, you know, we feel would have been a useful  
23 adjunct. But, again, like I said I think from my remarks  
24 with regards to our priorities, this would certainly be  
25 down lower on the list for me than others.

1 BOARD MEMBER WASHINGTON: All right. Let's go.

2 WASTE TIRE DIVERSION MANAGER DELMAGE: Madam

3 Chair, if there's one thing I could add. There's one

4 minor correction I'd like staff to make on our chart. At

5 the bottom, City of San Diego Remediation should read

6 "direct grant" rather than "contract."

7 CHAIRPERSON MARIN: That's a good point. Sally

8 is going to, with her superduper computer, type that in.

9 Okay. Is there a motion to allocate

10 \$5,472,795.26 million as presented on the board? I can't

11 go through every single one. Do I need to for purposes of

12 the record, since people may be listening on the web,

13 should I go down and allocate item by item?

14 CHIEF COUNSEL CARTER: I think that would be

15 helpful.

16 CHAIRPERSON MARIN: If I may then, the Track and

17 Field and other Recreational Surfaces, 460,000; Playground

18 Cover Grants, \$37,000; Local Government Amnesty Day

19 Grants, 204,793; Product Commercialization Grants,

20 \$400,000; Rubberized Asphalt Grants, 55,653; to Augment

21 Student Contracts, \$60,000; Augment Northern California

22 Rubberized Asphalt Concrete Technology Center, \$100,000,

23 with a caveat this will end on June the 30th; Rubberized

24 Pathway for the Joe Serna has been allocated \$10,000. The

25 Yolo County is at zero. Sukut Construction Long-term

1 Remediation Project has been now allocated 3,703,774.26.  
2 The next one is the Smart Tire Technology Testing by DGS  
3 would be \$150,000 allocation; Waste Tire Issues Border  
4 Between San Diego and Tijuana would be \$50,000; Direct  
5 Grant to the City of Sacramento Independence Field will be  
6 \$150,000; International Asphalt Rubber Conference in  
7 San Diego will take place with 50,000. And DHS  
8 Tire-Derived Resilient Flooring Study will receive  
9 nothing. And a direct grant to the City of San Diego will  
10 be \$41,575.

11 With that, the grand total is 5,472,795.26.

12 BOARD MEMBER WASHINGTON: Madam Chair, I'd like  
13 to move adoption of Resolution 2005-123 revised as you  
14 have just read it off.

15 CHAIRPERSON MARIN: You're not going to read it  
16 again?

17 BOARD MEMBER PEACE: Add to that --

18 CHIEF COUNSEL CARTER: Marie Carter.

19 I just want to make sure that the Resolution  
20 reflected the fact that the money for the International  
21 Conference was contingent upon receipt of the matching  
22 funds.

23 CHAIRPERSON MARIN: Excellent. Thank you, Marie.

24 Let me see if there is a motion and then a  
25 second, and then discussion.

1 BOARD MEMBER MULÉ: Second.

2 CHAIRPERSON MARIN: Discussion, Ms. Peace.

3 BOARD MEMBER PEACE: I was just going to say when  
4 we talked about removing the Yolo County and we mentioned  
5 we put an item in the Five-Year Plan, so I will vote for  
6 this with that condition.

7 DEPUTY DIRECTOR LEE: Madam Chair, if I might  
8 chime in one last thing. The Board should acknowledge  
9 we're allocating 1 million of this contingent upon no  
10 emergency occurring before June 30th. In the event we do  
11 have to deal with an emergency situation, as staff has  
12 recommended, the \$1 million will come out of the Sukut  
13 allocation.

14 CHAIRPERSON MARIN: It better not. No. I'm  
15 kidding. Yeah. I believe that was the understanding of  
16 the Board members. But I'm glad that we have it on the  
17 record.

18 Okay. Let's take a vote, please.

19 EXECUTIVE ASSISTANT JIMENEZ: Peace?

20 BOARD MEMBER PEACE: Aye.

21 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

22 BOARD MEMBER MULÉ: Aye.

23 EXECUTIVE ASSISTANT JIMENEZ: Washington?

24 BOARD MEMBER WASHINGTON: Aye.

25 EXECUTIVE ASSISTANT JIMENEZ: Marin?

1 CHAIRPERSON MARIN: Aye.

2 Somebody must need a break. We're going to break  
3 for lunch. We have a closed session. We have the  
4 Five-Year Tire Plan, a few items more. We probably should  
5 be out of here before 3:00 if everything goes well. So  
6 what I'm going to do is break for lunch. We will be back  
7 exactly at 1:00. And that closed session will be a  
8 working session for us. Thank you very kindly.

9 (Thereupon a lunch recess was taken.)

10 CHAIRPERSON MARIN: Ms. Jiminez, will you please  
11 call the roll?

12 EXECUTIVE ASSISTANT JIMENEZ: Peace?

13 BOARD MEMBER PEACE: Here.

14 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

15 BOARD MEMBER MULÉ: Here.

16 EXECUTIVE ASSISTANT JIMENEZ: Washington?

17 BOARD MEMBER WASHINGTON: Here.

18 EXECUTIVE ASSISTANT JIMENEZ: Marin?

19 CHAIRPERSON MARIN: Here.

20 Okay. We're all back. We do this for the people  
21 that are listening on our web.

22 Are there any ex partes? Ms. Peace.

23 BOARD MEMBER PEACE: I'm up to date.

24 CHAIRPERSON MARIN: Ms. Mulé.

25 BOARD MEMBER MULÉ: I spoke to Joe Dvoracek with

1 3D Traffic regarding the product. And I just spoke  
2 briefly with Mr. Leveille regarding the Five-Year Tire  
3 Plan.

4 CHAIRPERSON MARIN: Okay. Mr. Washington.

5 BOARD MEMBER WASHINGTON: Yes, Madam Chair. I  
6 said hello to Mr. Andy Sousa, the City Manager from  
7 Fresno. And also hello to Terry Leveille.

8 CHAIRPERSON MARIN: Okay. I didn't say hello to  
9 anybody. So I'm up to date.

10 The next item, Mr. Lee. Are you halfway through  
11 your Tums?

12 DEPUTY DIRECTOR LEE: Yes. I found they're very  
13 filling.

14 CHAIRPERSON MARIN: Okay. Thank you very much,  
15 Mr. Lee. Go ahead. Next item.

16 DEPUTY DIRECTOR LEE: Board Item 11,  
17 Consideration of Adoption of the Biennial Update of the  
18 Five-Year Plan for the Waste Tire Recycling Management  
19 Program, 3rd Edition Covering Fiscal Years 2005-06 through  
20 2009-10. The revised Five-Year Plan was required by  
21 statute by July 2005.

22 Compared to earlier versions of the plan and  
23 pursuant to Board direction, the proposed plan  
24 concentrates on activities which are legislatively  
25 authorized and most cost effectively utilized with the

1 productive end use of the largest number of tires. There  
2 are significantly more proposals proposed to RAC, civil  
3 engineering, and other market development activities.  
4 Research activities have been scaled back or redirected to  
5 more directly support our market development initiatives.

6           Proposed spending for long- and short-term  
7 remediation is commensurate with identified need and our  
8 acknowledged responsibility to reduce the threat to public  
9 health and the environment by illegal waste tire piles and  
10 waste tire disposal. To this end, staff also proposes  
11 stable funding for the Local Waste Tire Enforcement  
12 Program consistent with legislative direction.

13           With regard to the final program element of the  
14 Five-Year Plan, the Hauler Registration and Waste Tire  
15 Manifest Program, staff proposed reduced funding to this  
16 effort in recognition for anticipated cost savings from  
17 Board-approved revisions to the Manifest Program,  
18 encouraging an expansion of electronic data transfer and  
19 web-based reporting by haulers.

20           The Five-Year Plan also proposed allocations for  
21 several grant programs. In the administratively proposed  
22 grant programs, staff will be responsive to Board  
23 direction to simplify the grant application and  
24 administration process as much as possible.

25           To this end, staff has included a Statement of



1 Intent in the Executive Summary of the Five-Year Plan  
2 acknowledging the Board's direction for Board Program  
3 staff to work with the Grant's Administration Unit, the  
4 Legal Office, and the Executive staff to identify  
5 procedural activities for all grant programs, which could  
6 be modified or eliminated without disrupting the Board's  
7 ability to properly administer grants in a fiscally  
8 responsible manner. This item was heard by the Special  
9 Waste Committee and held over for discussion by the full  
10 Board.

11 With that overview, I'll ask Mitch Delmage to go  
12 over the various program elements and revisions that came  
13 about as a result of the Board's direction and the Special  
14 Waste Committee's discussion on this matter.

15 WASTE TIRE DIVERSION MANAGER DELMAGE: Good  
16 afternoon, again. This is Mitch Delmage with the Special  
17 Waste Division.

18 Before I begin my formal presentation, I wanted  
19 to offer my thanks to the Board members for their  
20 participation in this five-year planning process. You've  
21 been, if not all, at least at most of the workshops, all  
22 four of you. We really appreciate your input.

23 I want to extend my thanks to the stakeholders.  
24 They were not shy about providing their input. And I  
25 think that when you look at this plan, you'll see the

1 fingerprints of many different people. And so I'm very  
2 pleased to be able to present this plan to you today.

3 As Jim alluded to in his opening remarks, this is  
4 quite different from previous plans. We've tried to make  
5 it simpler, shorter, more to the point, easier to read.  
6 Structurally, we've changed it so that, for instance, our  
7 objectives are right next to the performance measures so  
8 you can see how they match up. All very good suggestions.  
9 I think it worked out very well.

10 Since the Committee meeting, there were some  
11 changes that were identified -- or actually between the  
12 last workshop and the Committee meeting. We eliminated  
13 funding for the mosquito abatement project. That was  
14 125,000 each year for '05 and '06 and '06 and '07.

15 We eliminated the prison industry project that  
16 was originally funded at a million dollars. We did,  
17 however, retain 400,000 for state agency partnerships.

18 Consistent with the Special Waste Committee's  
19 March 3rd meeting on this, we eliminated the Business  
20 Assistance Program, formally the Product Commercialization  
21 Grant Program, and combined these moneys into a  
22 Tire-Derived Product Business Assistance Program. And  
23 we're very excited about using a different approach in  
24 this area.

25 And we also reduced the funding for the Hauler

1 Manifest Program in each fiscal year due to being able to  
2 streamline this program as well.

3           We've added 250,000 in 05-06 for expanding market  
4 demand for tire-derived products. This is a proposal that  
5 was discussed at the March 3rd, 2005, Special Waste  
6 Committee meeting. And, actually, Michael Blumenthal of  
7 the Manufacturers Association, and Scott Smithline talked  
8 about identifying products that already exist and seeing  
9 how they can be replaced by products not just made from  
10 rubber, but possibly a combination of rubber and plastics  
11 and other recycled materials. So, again, another  
12 suggestion that's made into the plan.

13           To ensure sufficient moneys to adequately perform  
14 the task, another \$100,000 was added for 05-06 on the life  
15 cycle assessment of tire management methods.

16           And we also added \$10,000 in each fiscal year  
17 under the National Product Stewardship Dialogue to sponsor  
18 the Product Stewardship Institute.

19           Now, with that being said, we've had some changes  
20 as of this morning's discussion on reallocation. Some of  
21 the moneys that changed will be reflected in the Five-Year  
22 Plan. For instance, extra moneys that were provided for  
23 the Sukut contract will not have to be expended in 05-06.  
24 So that money can be redirected toward other programs.  
25 And we recommend that it go into, you know, a high

1 priority program.

2 Now, with that being said, if you'd like, we can  
3 go through each of the five elements. And if you have any  
4 questions along the way, we can address those questions.

5 So the Five-Year Tire Plan is broken into five  
6 elements. The first element is cleanup, abatement, and  
7 remedial actions. As I stated, moneys that we were going  
8 to have in Sukut now can be redirected.

9 I believe those are the revised numbers. And  
10 Sally is putting them in as we go so we make sure the  
11 charts all balance out.

12 MS. FRENCH: The remediation was 2.2, but because  
13 of the extra funds in the reallocation, it's 1.3.

14 WASTE TIRE DIVERSION MANAGER DELMAGE: And that  
15 gives us the total of five we were looking for to finish  
16 this project.

17 All right. Are there any questions on the budget  
18 for the cleanup, abatement, remedial action or any  
19 activities associated with it?

20 All right. Hearing none, we'll move on to --  
21 okay.

22 Under the budget for enforcement and regulations,  
23 no changes on that one. Is that correct; Sally?

24 MS. FRENCH: That's correct.

25 CHAIRPERSON MARIN: The 1.7 is the total.

1           DEPUTY DIRECTOR LEE:   Correct the acronym, CDAA.

2           CHAIRPERSON MARIN:   District Attorney's  
3   Association.

4           Mitch, are you going through -- are you talking  
5   about the 8.27, or are you talking about the 1.7?  Are you  
6   going line by line, or are you just going total?

7           WASTE TIRE DIVERSION MANAGER DELMAGE:  We're  
8   going through any changes to identify the changes.  If you  
9   would like to speak about any individual ones, we sure  
10   can.

11          CHAIRPERSON MARIN:  No.  Don't invite me.  I'm  
12   kidding.

13          WASTE TIRE DIVERSION MANAGER DELMAGE:  That's  
14   okay.

15          Next is research.  And since you've last seen  
16   this document, there's been no changes on the research  
17   items, other than changing the name of one that was  
18   "expanding market demand for tire-derived products."  We  
19   did change that to "identifying market demand for  
20   tire-derived products."  And that's more in line with what  
21   the activity actually is.

22          That moves us to market development where we have  
23   much of our activities, as Jim indicated in his opening  
24   remarks.  Our big emphasis is going to be developing  
25   markets for these tire-derived products.  We have a change

1 im the targeted RAC incentive program that is increased  
2 from 2,615,000 to 2,915- -- excuse me. I need to back up.  
3 On the National Product Stewardship Dialogue, since we are  
4 not going to pursue that as a contract, we will be  
5 pursuing it as a staff initiated activity. So I would  
6 recommend that we remove the funding for that, except for  
7 the \$10,000 that we would have available to sponsor the  
8 Product Stewardship Institute.

9 BOARD MEMBER MULÉ: And that's ongoing; correct?

10 WASTE TIRE DIVERSION MANAGER DELMAGE: That's  
11 ongoing.

12 CHAIRPERSON MARIN: But that's what it's costing  
13 us right now; correct?

14 WASTE TIRE DIVERSION MANAGER DELMAGE: Yeah.

15 Now, actually before I move on from this one, one  
16 of the items that you'll hear about from Mr. Terry  
17 Leveille is a suggestion he made at the Special Waste  
18 Committee, is putting together an educational video and  
19 outreach effort on retreading tires, assistance to local  
20 governments. I believe he's prepared a paragraph that  
21 kind of describes this and gave it to you. At least that  
22 was his intent. But he did discuss this at the Board  
23 meeting -- or Committee meeting.

24 CHAIRPERSON MARIN: You're not allocating any  
25 money for that?

1           WASTE TIRE DIVERSION MANAGER DELMAGE: At this  
2 point, no. I just want to let you know it's out there and  
3 just happens to be \$75,000, and we're just happening to be  
4 removing \$75,000. So I just wanted to have that out there  
5 in front of you, and Mr. Leveille will speak on it.

6           CHAIRPERSON MARIN: I'm sure he will.

7           WASTE TIRE DIVERSION MANAGER DELMAGE: Then  
8 another change within the title area "targeted outreach  
9 for RAC and civil engineering" is now "targeted outreach  
10 for tire-derived products." So we expanded that.

11           I might note that although we've identified  
12 400,000 for this effort, the Integrated Waste Management  
13 Account will also be providing funds. So while we're out  
14 talking to people, local governments, about tire-derived  
15 products, we'll also be able to talk about other important  
16 opportunities to use other recycled products.

17           CHAIRPERSON MARIN: Is that Item Number 7 or Item  
18 Number 8? Where are you when you say that?

19           WASTE TIRE DIVERSION MANAGER DELMAGE: I'm on  
20 Item Number 12. I'm just looking at the ones that have  
21 changed in some way.

22           CHAIRPERSON MARIN: And how did that target  
23 outreach for RAC and civil engineering change?

24           WASTE TIRE DIVERSION MANAGER DELMAGE: It didn't  
25 change. Only the name changed. It expanded from just RAC

1 and civil engineering to tire-derived product, and now  
2 it's also expanded a little beyond that. But for the  
3 purposes of this report, it's just tire-derived products.  
4 But it will, as a Board item, include other things.

5 BOARD MEMBER MULÉ: Madam Chair, just so we can  
6 clarify. This is the project that Chris Peck presented to  
7 us as far as a multi-faceted marketing outreach program to  
8 targeted jurisdictions to promote the use of not only RAC,  
9 but also aggregate and mulch and other products.

10 WASTE TIRE DIVERSION MANAGER DELMAGE: All right.  
11 And then dropping down to Item 14, Tire Recycling  
12 Conference, as directed by the Board, we are expanding  
13 that to be more targeted workshops. And we changed the  
14 language in the Five-Year Plan to reflect that.

15 CHAIRPERSON MARIN: Okay.

16 WASTE TIRE DIVERSION MANAGER DELMAGE: The RAC  
17 Technical Center has been reduced from 350 to 250.

18 CHAIRPERSON MARIN: Because of the reallocation.

19 WASTE TIRE DIVERSION MANAGER DELMAGE: We brought  
20 the 100,000 up in reallocation, leaving only 25,000 for  
21 the Northern California as part of the Five-Year Plan.

22 And then that brings our subtotal to 9,538,055.

23 MS. FRENCH: Revised total. We had to add in the  
24 money that was in the Tracy contract.

25 CHAIRPERSON MARIN: And I'm so glad you pointed



1 that out, because I want everybody to understand that the  
2 moneys that were, if you will say it, saved on this  
3 allocation to the cleanup for Tracy is now going to be  
4 allocated to RAC. And so now the allocation is 3,890,000,  
5 which I think will be very well combined to local  
6 jurisdictions.

7 MS. FRENCH: Also under the product stewardship  
8 money that you took out from line 5 to line 7.

9 CHAIRPERSON MARIN: Exactly. So I think once the  
10 word gets out there that more and more jurisdictions  
11 should be able to participate in this program -- and I  
12 know at the end of the day what this will enable us to do  
13 is divert a bigger percentage of tires.

14 Right, Mr. Lee?

15 DEPUTY DIRECTOR LEE: That's the intent, Madam  
16 Chair.

17 One other thing I'd like to bring to the Board's  
18 attention.

19 CHAIRPERSON MARIN: Pick another topic for us.

20 DEPUTY DIRECTOR LEE: One other thing I want to  
21 bring to the Board's attention relative to our discussion  
22 this morning on the Yolo Landfill item, I'd like to ask  
23 Bob to explain how we would intend to incorporate the  
24 Board's direction in this manner.

25 SPECIAL WASTE DIVISION SUPERVISOR FUJII: Just

1 sort of a follow-up to the discussion we had on the Yolo  
2 item. We had talked about incorporating some kind of a  
3 competitive either grant or contract process to solicit  
4 invitations from some of the landfills for various  
5 landfill applications using tires.

6           The item we're talking about using here is the  
7 civil engineering grants and contracts item that you see  
8 in this element. And we would propose to bring criteria  
9 or maybe even a contract proposal back before you for a  
10 solicitation that would maybe encompass a project like  
11 Yolo County was presenting to you earlier today. So we  
12 wanted to point this out to you.

13           CHAIRPERSON MARIN: I think that is a very  
14 wonderful approach to disbursing this money. Thank you  
15 very much, Bob.

16           Okay. Where does that leave us?

17           WASTE TIRE DIVERSION MANAGER DELMAGE: That  
18 leaves us at the fifth element.

19           MS. FRENCH: We're going to have to make a slight  
20 adjustment on 18. That has to be 16 percent of the  
21 subtotal. Because that has increased due to Tracy, that  
22 number will have to be readjusted. So it's probably just  
23 a couple hundred thousand will have to be added into the  
24 Kuehl grants, and then it will come out of the targeted  
25 RAC. So either way, it will be spent on RAC funds.

1 CHAIRPERSON MARIN: Let's make sure that is the  
2 case.

3 WASTE TIRE DIVERSION MANAGER DELMAGE: That will  
4 be the case.

5 CHAIRPERSON MARIN: Is there any way you can do  
6 it now, before we make a motion, with your super-duper  
7 computer?

8 MS. FRENCH: Go ahead, Mitch.

9 CHAIRPERSON MARIN: At least that's on record of  
10 how much money we're actually allocating. Thank you.

11 MS. FRENCH: Sure. Go ahead. I'm come back to  
12 it when I have the numbers.

13 WASTE TIRE DIVERSION MANAGER DELMAGE: The final  
14 one is the Waste and Used Tire Hauler Program and Manifest  
15 System. And there's really been no changes, except for  
16 what I mentioned earlier, the amounts have been reduced  
17 because of streamline.

18 CHAIRPERSON MARIN: And should our process and  
19 efforts be reduced, then we don't have to spend it.

20 WASTE TIRE DIVERSION MANAGER DELMAGE: We don't  
21 have to spend it all, and that's what reallocation does.

22 CHAIRPERSON MARIN: All right. Really watching  
23 it. So that brings us to the end.

24 CHAIRPERSON MARIN: Okay. Let me -- while Sally  
25 is doing that, I know there are a couple of people that

1 wanted to speak on this item.

2 Jeanet Babauta from the L.A. County Department of  
3 Public Works, RAC Tech Center. Thank you very much for  
4 being here. And we know you had to drive a long way.

5 MS. BABAUTA: Just L.A. County.

6 Good afternoon, Madam Chair, Board Member Mulé,  
7 Washington, and Board Member Peace. Just for the record,  
8 my name is Jeanet Babauta with the Los Angeles County  
9 Department of Public Works Rubberized Asphalt Concrete  
10 Technology Center.

11 The Center is glad and pleased and excited to see  
12 how the Board has embraced RAC in the Five-Year Tire Plan  
13 with increased funding dedicated in a targeted RAC  
14 incentive program ranging from 2.4 million to 3 million  
15 for the next five years, the continuation of the RAC Use  
16 Grant Program as well as the marketing and additional  
17 support with the RAC technical expert.

18 Beginning this year alone, the Center is pleased  
19 to announce the interest in RAC has increased by two-fold  
20 from last year alone. Through government to government  
21 relationships, the Center has met with several cities from  
22 County of Imperial, San Bernardino, Los Angeles, and  
23 Orange County. The Center has also scheduled several  
24 meetings with other remaining counties, such as San Diego,  
25 Riverside, San Luis Obispo, Ventura, and Santa Barbara.

1 Council members are personally calling the Center asking  
2 for RAC workshops, Council members from various counties.

3           And last week alone, we presented in the San  
4 Gabriel Valley Council of Governments Technical Advisory  
5 Group for solid waste, including the U.S. Navy. So even  
6 the federal government is getting very involved. Most  
7 especially, Camp Pendleton, which is about 20 by 10 square  
8 miles, it's about 200 square miles in total. They want to  
9 put in a multi-million dollar package to replace all their  
10 existing asphalt with either ARAM, aggregate rubber  
11 aggregate membrane, or rubberized asphalt concrete. We  
12 are continuing to work with them to make sure that does  
13 come to fruition.

14           The cities that request your services range from  
15 RAC workshops, assistance in RAC grant applications,  
16 specification writing, inspection of the RAC plants, and  
17 construction inspections, including identifying pavement  
18 failures for newly-installed RAC road pavements, and  
19 recommending remedies.

20           Because of the demand of the Center's services,  
21 we are concerned with the level of funding provided to the  
22 Southern Rubberized Asphalt Center. As previously  
23 discussed with Board Member Peace as well as Waste  
24 Management staff Nate Gauff, the Center is concerned that  
25 we will not be able to sustain our services at this level

1 for the remaining of the year to December 2005.

2 And just to give you a recap, currently our  
3 budget is \$225,000 beginning from January 2005 to December  
4 2005. And \$150,000 is for RAC services, and \$75,000 is  
5 for special projects.

6 Now, in comparison to our counterpart in Northern  
7 California, we do most of the marketing, if not all of the  
8 marketing for the entire state, as well as maintaining the  
9 website and also the toll-free hotline.

10 Based on this level of activity, we want you to  
11 be aware that we might not be able to sustain that at this  
12 level for the entire year. So, therefore, we are asking  
13 the Board to consider increasing our funding for the  
14 Center for this year as well as to reflect in the  
15 Five-Year Tire Plan. Based on our quarterly expenditure  
16 from January to March, we estimated an increased level of  
17 activity around 65- to \$75,000 for three months.

18 This is great news, because of the increase in  
19 demand from various cities. And it's ranging from, "I  
20 don't know anything about RAC, and I want to know more  
21 about RAC" -- and for those of you that are familiar with  
22 RAC, if you don't have any background knowledge, it takes  
23 time. So it takes the Center several workshops. One to  
24 give you an overview. One to help the cities to inspect.  
25 Next is to help the inspectors to do quality assurance,

1 quality control. So there's various steps in order to get  
2 a successful RAC pavement project or program for the city.

3 So, therefore, we'd also want to make sure that  
4 when you do increase our funding just for services, if you  
5 want us to do special projects, that would be in addition  
6 to that.

7 Please note with the increase in RAC grants as  
8 well as focused RAC marketing for the entire state, there  
9 might be an increase in the level of services that's in  
10 demand for us. So we would like you to consider that in  
11 setting aside additional funding for such growth.

12 As we continue to collaborate with Caltrans, most  
13 especially Caltrans headquarters in District 7, to  
14 encourage RAC roads and cities throughout California, we  
15 have tremendous success with our RAC regional seminar in  
16 L.A. County Department of Public Works. Assemblymember  
17 Levine was there to present, as well as Board Member  
18 Cheryl Peace and Board Member Carl Washington. We hope to  
19 have one more regional workshop somewhere near the central  
20 counties, preferably San Luis Obispo, closer to the  
21 northern county so we can spread the message of why RAC is  
22 important to public works projects.

23 Aside from that, we thank you for your time and  
24 hope you consider increasing our Center's money. Thank  
25 you. If you have any questions --

1           CHAIRPERSON MARIN: I actually have been reading  
2 all of your reports that you've sent. I think either on a  
3 monthly basis, quarterly basis, I read them.

4           Let me tell you where personally I am on the  
5 situation. And you may recall that at one point in time  
6 there was a question about the -- how can I put it nicely?  
7 There was a question as to the viability of the Tech  
8 Center. And I don't know that your previous predecessor  
9 or your predecessor was as --

10          MS. BABAUTA: Proactive.

11          CHAIRPERSON MARIN: As committed maybe to maybe  
12 even just documenting the effort.

13          So at one point in time, you remember there was a  
14 question as to whether we should continue funding, let  
15 alone increase the funding. I think you're on the right  
16 track. I think that you are doing what, quite frankly,  
17 had been expected of you to do with the emphasis of the  
18 Board ensuring the jurisdictions know the validity of RAC  
19 and how, in fact, it's a better investment than just  
20 regular asphalt concrete. I think you are, quite frankly,  
21 doing what the expectation was that should have been  
22 taking place all along.

23          My understanding of what the Northern California  
24 RAC Center does, even though they have the same title, the  
25 purposes of the Center, it's a little bit different in



1 that they actually provide some technical assistance  
2 different from what you do directly to our staff. And  
3 that they provide -- and that they are available to  
4 justify, if you will, or provide investigative information  
5 that is needed to further the cost of RAC. You do more  
6 hands-on with individual cities or jurisdictions.

7 And if I may be misrepresenting, this is what I  
8 understand. The RAC in Northern California, their  
9 emphasis is a little bit different, even though you have  
10 the same title. But even the contracts are different. So  
11 it's not the same. We don't expect the two Centers to do  
12 exactly the same thing. But we do expect them, at the  
13 end, their work to be complementary. And if that is a  
14 good assessment, Mr. Lee.

15 DEPUTY DIRECTOR LEE: Yes, it is, Madam Chair.

16 If I could provide a little additional  
17 clarification on that point. We welcome the involvement  
18 of the Southern California RAC Centers in our efforts.  
19 Ms. Babauta talked about the fact that, again, you know,  
20 they are committed to doing more marketing on RAC. But,  
21 you know, the Board will recall that the Board has  
22 considered as part of previous items taking a little  
23 different approach with the marketing, coordinating it  
24 with experts and media outreach consultants, integrating  
25 work of both the Southern and Northern Centers as part of

1 that overall effort. So we're comfortable with that  
2 approach and the current allocation to both the Centers.

3 Madam Chair, as you mentioned as a part of one of  
4 the earlier items, we expect to be coming forward to you  
5 midyear to kind of talk about the money, potential needs  
6 and reallocation. We have to have our feet on the ground  
7 with the new consultants and more properly see how this  
8 integration will go about, we perhaps can consider some  
9 recommended --

10 CHAIRPERSON MARIN: As she's saying for  
11 individual events that were really not in the contract,  
12 that maybe that would be the case.

13 DEPUTY DIRECTOR LEE: Yes, ma'am.

14 CHAIRPERSON MARIN: I don't know whether you've  
15 perceived this, because you're really new. But you've  
16 come a long way from what the perception was of what the  
17 RAC Center did.

18 MS. BABAUTA: What we're trying to say is not  
19 marketing aspects of RAC, but the response of it. I mean,  
20 most of them -- there's a lot of cities we help in  
21 assistance of spreading the word of RAC by telling them  
22 there's a lot of grants. There's a lot of cities coming  
23 on board. With that, there's increased phone calls for  
24 RAC workshops, several workshops, and field and site  
25 investigations.

1           So we're not really geared towards the marketing,  
2 because we do understand the Board's approach in  
3 separating the marketing. It's more the response to it,  
4 the costs of resources to respond to them. We don't  
5 want -- if they're so excited about it, we don't want to  
6 tell them, "We can only do this much, because we don't  
7 have the funding or the resources to provide you that  
8 service." And if they need more than a two-hour workshop  
9 and they want -- for Camp Pendleton, we did a whole day.  
10 We did a three-hour workshop, because they had no clue  
11 what to do. And we went out to take a look at their  
12 pavement. And so it's not the marketing we're asking an  
13 increase in funding. It's the --

14           CHAIRPERSON MARIN: It's the holding of the hand.  
15 I understand.

16           Let me just check, and I will allow other Board  
17 members to say. I appreciate the work that you are doing.  
18 I respect very, very much what you have been doing. I  
19 think that the documentation, at least what I read, is  
20 very good. At the end of the day, we will be able -- with  
21 your program be able to tell so many contacts with so many  
22 cities or so many jurisdictions, including Camp Pendleton,  
23 we were able to use so many tires. So many tires actually  
24 from one year to the other.

25           For us, when we're making the policy decision

1 about this, this was a very good investment to put more  
2 money into it. We're probably going to get twice as much.  
3 I think you're on a very, very good path. But I cannot  
4 right now at this point in time increase the allocation,  
5 because, quite frankly, this is what we should be getting.  
6 At least this is my perception. You are doing exactly  
7 what we expected you to do. And it's very different than  
8 the way it was before. You are fully explaining why you  
9 are spending this money. You're doing that very well.

10 But I cannot justify at this point in time  
11 further moneys. If, in fact, we need to have more  
12 workshops and you run out of money, then at that point in  
13 time it will be the policy decision that you need an  
14 allocation to have more workshops. But that will be a  
15 separate contract.

16 MS. BABAUTA: Thank you, ma'am. We just wanted  
17 to be out there on the record that this is the path that  
18 we're doing. This is the level of activities, and this is  
19 how much it's costing. We don't want to wait until the  
20 very end to let you know, and make sure that this is the  
21 direction that you do want us to continue to take  
22 regardless of whether or not we do have the funds to  
23 support it.

24 CHAIRPERSON MARIN: Thank you.

25 Ms. Peace.

1           BOARD MEMBER PEACE: I understand your point.  
2 You're doing a great job. And because of our marketing  
3 and outreach efforts and because of the increase in the  
4 grants, I can see where you are going to have more  
5 requests for workshops and more requests for assistance.  
6 And so if we don't increase the funding now and they get  
7 to a point where they say, "Gosh, we're requesting to do  
8 more workshops and we don't have the money," how can we  
9 accommodate that in the future if we don't do it here?

10           DEPUTY DIRECTOR LEE: It would be done, again  
11 starting to respond to the Board Chair on this, is that we  
12 could be coming back to you earlier in the year than we  
13 have in the past even to discuss, you know, potential  
14 reallocations.

15           BOARD MEMBER PEACE: But like in January, is that  
16 what you're saying? And will you have enough -- at the  
17 rate you're going, will you have enough money to keep you  
18 going until January?

19           MS. BABAUTA: Well, I think there's one dedicated  
20 \$75,000 for special projects. As long as you allocate  
21 that special projects back to just the Center services,  
22 then we should be okay until January 2005.

23           CHAIRPERSON MARIN: I think that the most prudent  
24 thing right now, we got your message. Let's go with what  
25 we have right now. And let me tell you, in the

1 reallocation, which will be coming a lot earlier than  
2 before at that point in time. You won't have to wait  
3 until May. Now we will know what moneys are available as  
4 early as January. So we will have a much earlier  
5 beginning.

6 MS. BABAUTA: Because I know there's another RAC  
7 grant coming up in September. And at the rate we're  
8 going, with 150,000, we've already expended 65 of it. We  
9 want to make sure that you're aware of where we are. If  
10 you're happy with our level of services that we're  
11 providing to the cities throughout the state, then we want  
12 to continue that, especially if they're already interested  
13 and their foot is in the door. We do not want to tell  
14 them wait, or we don't have the funding at this time, you  
15 know. We don't want to turn them away when they've been  
16 interested and it took them a while, years probably, to  
17 get to this point. That's what the Center wants you to be  
18 aware of.

19 CHAIRPERSON MARIN: Thank you very much.

20 Any further comments on this?

21 Okay. There is somebody else that wants to  
22 speak, Mr. Terry Leveille. Oh, more people want to speak.

23 MR. LEVEILLE: Thank you, Madam Chair and Board  
24 members. Terry Leveille with TL and Associates.

25 And as you know, from time to time, I come before

1 you representing the Tire Dealers Association and have  
2 complained at many occasions, many Board meetings about  
3 using the Tire Fund as a cash cow.

4 Well, I've got here today somebody I'd like to  
5 introduce to you. That's Ed Cohn, who's the Executive  
6 Director of the Southern California Tire Dealers  
7 Association. And I brought him here today because he  
8 wanted to watch sausage being made in the Five-Year Plan  
9 and see how his association's members' money that they are  
10 forced to collect is being spent, or at least half of that  
11 money is being spent. Because as we all know, 75 cents of  
12 that \$1.75 goes to the Air Resources Board.

13 That being said, I've got a proposal to spend  
14 \$75,000 of that money. This is a source reduction  
15 proposal. It is a retreading proposal. And doing some  
16 initial investigation, there are a number of cities and  
17 counties that are not retreading their large trucks, and  
18 this is something that commercial truckers do not do.  
19 They retread almost every time they need to retread, if  
20 the tire is retreadable. But a lot of seasoned counties  
21 aren't aware of the economic and environmental benefits of  
22 retreading.

23 This proposal, it would be a contract proposal  
24 put out to bid. I suggest 75,000. And what it would be,  
25 it would be developing of a DVD or a video on aspects of

1 retreading, showing how safe it is, how environmentally  
2 good it is as far as diverting tires from landfill, and  
3 how economical it is. Couple that with another DVD for a  
4 city or county's general fleet of passenger tires or  
5 passenger cars and those types of vehicles, the lighter  
6 vehicles that may not be able to retread, but this would  
7 be a complementary DVD just on keeping your tire inflation  
8 up and the like.

9           And then, finally, the coup de gras of the whole  
10 thing would be a hands-on on-site maintenance workshop for  
11 interested jurisdictions on retreading and tire  
12 maintenance. The contractor would go out to each  
13 jurisdiction that requested it. Of course, you know we've  
14 got 428 cities -- 440 cities, 58 counties. Go out to each  
15 jurisdiction and provide -- or groups of jurisdictions and  
16 provide workshops -- tire workshops so that these fleets  
17 could maintain their tire pressure, could look at  
18 retreading for their large trucks, could simply reduce the  
19 amount of tires that are being used annually.

20           And that's the proposal. We're throwing that out  
21 there. I brought it up at last week's hearing at the  
22 Special Waste Committee. I think Rosario wasn't there.  
23 It was Carl there. But, anyway, so that was a suggestion.  
24 We talked to staff, and staff seemed to think that it  
25 might be worthy of your consideration.



1           CHAIRPERSON MARIN: Thank you very much, Mr.  
2 Leveille. And I think this was probably part of the  
3 reallocation availability or part of the Five-Year Tire  
4 Plan.

5           DEPUTY DIRECTOR LEE: The discussion we had at  
6 the Committee meeting, Madam Chair, was that if there was  
7 going to be any funding for this, it would come out of the  
8 Five-Year Plan, because there's no time to put an RFP on  
9 the street for this type of project and using 04-05 funds.

10          CHAIRPERSON MARIN: While I do not disagree with  
11 the importance of this, I'd much rather deal with this on  
12 a very different -- there may be other far more -- there  
13 may be different ideas as to how we can get this done. So  
14 I am not inclined to put it as part of the Five-Year Tire  
15 Plan. If there are ideas out there, and Terry will have  
16 two or three or five or ten, there might be an opportunity  
17 to say we need to do this. Actually, we have some money  
18 to come up with innovative ways of retreading tires.  
19 Let's go out there. Let's have jurisdictions or entities  
20 or manufacturers come up and say, "We have an idea." Let  
21 that opportunity be given to 10 or 20 or 50 people, and  
22 then let us decide, you know, whether your idea. It might  
23 be the very best.

24           But I think that as of this process, this time,  
25 that not considering whatever great ideas might be out

1 there nobody knows is available right now, it would be  
2 shooting in the dark.

3 As much as I appreciate your great ideas, Terry,  
4 and your incredible amount of work, I personally am not  
5 inclined to move with this idea right now. In the bigger,  
6 broader, with more people involved, because number one,  
7 you get maybe not even 75. You may get more.

8 I don't know if anybody else wants to speak.

9 BOARD MEMBER PEACE: He did say he would like to  
10 get other people involved and get more ideas. Wouldn't we  
11 want to put that in the Five-Year Plan just maybe under  
12 the source reduction efforts and then get ideas for --  
13 this might be an idea for a source reduction, which is  
14 also important to us, because it's not what to do with  
15 tires once they're used, but I think tires --

16 CHAIRPERSON MARIN: You know, I believe at this  
17 point in time there is a whole slew of programs where  
18 something like that may happen. Let's not jump into this  
19 issue right now. And it may not be in this particular  
20 year. It may be in another one. I don't know that we  
21 need to jump into that.

22 And it's not a big amount. If the effort is  
23 going to be a bigger effort, it might be under market  
24 development activities. There's \$515,000 there. And I  
25 don't know particularly, but that may be one under that

1 particular concept. Ideas come in. But it is open to  
2 everybody.

3 MR. LEVEILLE: Madam Chair, one of the reasons  
4 why I brought this up, it seemed like one of the beauties  
5 of the Five-Year Plan is it has been very well balanced  
6 between a variety of different technologies, whether it be  
7 asphalt rubber, aggregate, local government assistance,  
8 and the like. Retreading is sort of noticeably absent.  
9 And that source reduction, the highest, highest level of  
10 the hierarchy would seem to be -- and this action  
11 combines a local government element with the retreading  
12 thing. It just seems like it would be a very easy thing.  
13 You could maybe even subsume it under your targeted  
14 outreach program or something in some way. Although I  
15 didn't want to -- you know, I know your targeted outreach  
16 program for local government officials -- or the market  
17 development plan for local government officials has like  
18 four different waste streams in it now. And you get to a  
19 point where you don't want to overload that particular  
20 contract.

21 CHAIRPERSON MARIN: But, see, the difference  
22 between that, Terry, is that there is nothing else on the  
23 table. So to say we should fund this particular project  
24 negates everything, providing a forum for all of these  
25 different ideas to come in. Your idea may be the only

1 one. Your idea may be the best. But absent other  
2 potential ideas, we truly cannot make an informed  
3 decision. And you're not going to ask us to do that, are  
4 you?

5 MR. LEVEILLE: Well, I'm asking you to do that.

6 CHAIRPERSON MARIN: But not after I made this  
7 statement, you couldn't possibly be asking us to do that.

8 BOARD MEMBER MULÉ: Madam Chair.

9 CHAIRPERSON MARIN: Ms. Mulé.

10 BOARD MEMBER MULÉ: Terry, would you be  
11 supportive if your concept was presented -- and I think  
12 what Chair Marin is alluding to is via some type of an RFP  
13 process?

14 MR. LEVEILLE: It wasn't meant to be a sole  
15 source for anything. It was a contract out to bid to any  
16 group or organization that was skilled enough to have  
17 those qualities.

18 BOARD MEMBER MULÉ: So I do believe that we do  
19 have some opportunities for you to submit this concept via  
20 an RFP process. And that's where I think it would be most  
21 appropriate. Because, again, the direction at least I'm  
22 going down at least try to be as fair and equitable as  
23 possible, rather than just providing funding to someone --

24 MR. LEVEILLE: That was never the intention.

25 BOARD MEMBER MULÉ: And that was my understanding

1 that was not your intention. I just want to make sure  
2 that everyone understands that. Thank you.

3 CHAIRPERSON MARIN: Ms. Peace.

4 BOARD MEMBER PEACE: I guess that's why I  
5 suggested we go ahead since we're not doing the product  
6 stewardship and taking the money out of there, we add in  
7 \$75,000 for a source reduction efforts and maybe send out  
8 an RFP. And whoever had the idea to do something like  
9 that, whether it was retreading or making another great  
10 idea, then those ideas would come forward and we --

11 MR. LEVEILLE: The reason why I brought it up is  
12 because you do have about eight or ten RFPs or contract  
13 concepts in your plan. Most of them are in the research  
14 area. But, you know, I thought this was appropriate to  
15 make a suggestion on something that really from my  
16 perspective had been overlooked.

17 BOARD MEMBER PEACE: Source reduction kind of has  
18 been overlooked, especially when they're taking money from  
19 the National Product Stewardship Dialogue. And source  
20 reduction is the top of the hierarchy.

21 CHAIRPERSON MARIN: Okay. Mr. Barry Takallou.

22 MR. TAKALLOU: Good morning, Madam Chair, members  
23 of the Board. I'm Barry Takallou with CRM Company.

24 Today, I'm talking as a Chairman of the RAC  
25 Committee, which is a Committee that's part of California

1 Asphalt Pavement Association. We had our meeting  
2 yesterday. This Committee consists of California  
3 contractors, local agencies, cities, counties.

4           One of the subjects we discussed was targeted RAC  
5 incentive program. This is a brand-new program that's  
6 being introduced by the Board, and we really appreciate  
7 it. We think it's a very good program. However, we want  
8 to -- since this is a brand-new program, also can be  
9 misunderstood by the market. We want to put some  
10 safeguards on this program. It says targeted RAC  
11 incentive program.

12           Among our memberships, we try to find what's the  
13 difference between conventional asphalt and rubber  
14 asphalt. And we think that contractors present in the  
15 meeting, we find based on the history of the cost  
16 difference, the highest cost difference is about \$15 per  
17 ton cost difference. Let's assume Board decides on this  
18 brand-new targeted project that pay 100 percent cost  
19 difference. That's \$15. And in one ton of it recycles  
20 three tires. That, in effect, is \$5 per tire.

21           I would like to propose we put a maximum \$5 per  
22 tire cost on this program. Have some sort of a control on  
23 the cost. Because when you go to the brand-new program on  
24 this and our contractors -- asphalt contractors, oh, it's  
25 free money. We pay California Waste Management Board \$4

1 million. We have seen bids artificially get exploded  
2 because the local agency gets gauged. They say, hey, we  
3 got someone from Waste Management Board. They want us to  
4 use rubberized asphalt.

5 We want to have some sort of safeguard. You go  
6 with a brand-new program and want to show there's limit to  
7 it. Right now, the main program is unlimited. It can be  
8 anything. And how many people thinking about projects.  
9 You know, that gives us some sort of a safeguard, and that  
10 parallel to the objective of the Board to divert tires  
11 away from landfill. Instead, some connection how many  
12 tires, this much money, we divert it away from the  
13 landfill.

14 CHAIRPERSON MARIN: Thank you.

15 Ms. Peace and then staff.

16 BOARD MEMBER PEACE: Thank you for your comments,  
17 Barry.

18 That's way too much detail of what goes into a  
19 Five-Year Plan when we talk about putting a cost per tire  
20 limit. That will be all be decided in the Scope of Work  
21 that will come forward and the scoring criteria that will  
22 come forward. That's not for the plan.

23 MR. TAKALLOU: Ms. Peace, you have that in the  
24 five year program for recreation. You say, for instance,  
25 \$10 per tire. And that's already built into the track

1 program.

2 BOARD MEMBER PEACE: That was already decided in  
3 the scoring criteria. This is a brand-new program so we  
4 wouldn't have the Scope of Work and scoring criteria --

5 CHAIRPERSON MARIN: I think your point is very  
6 well taken. It's just that this is not where that  
7 actually gets put into law. It's part of the Scope of  
8 Work. But I think that we've heard your comments, and I  
9 personally agree with them. It's just this is not where  
10 it should go.

11 MR. TAKALLOU: One last question on the same  
12 topic. Is this for local governments or also for  
13 Caltrans?

14 CHAIRPERSON MARIN: I don't know that we have  
15 that. I think it's for the utilization of RAC. I don't  
16 think we have a separate allocation for Caltrans or for  
17 local government.

18 Go ahead, Mr. Lee.

19 DEPUTY DIRECTOR LEE: Madam Chair, the targeted  
20 outreach is for local jurisdictions, other state agencies.

21 MR. TAKALLOU: On page 26, Mr. Lee, you say first  
22 for local programs, and then you go on to say technical  
23 expert to provide support to local governments and  
24 Caltrans. That needs to be visited if it's for both  
25 Caltrans and local programs. We were under the impression



1 this is for local agencies.

2 CHAIRPERSON MARIN: Mr. Fujii.

3 SPECIAL WASTE DIVISION SUPERVISOR FUJII: Let me  
4 just put a little bit finer point on this. I mean, this  
5 effort is not -- it includes both, I believe, the targeted  
6 RAC incentive program and funding for the RAC expert. Is  
7 that right? So I think what the last part of that is  
8 referring to is the technical expert in which we would use  
9 them to support local government and Caltrans to the  
10 extent it needs to happen. It's not necessarily for the  
11 grants themselves. But we do the RAC technical expert, it  
12 would be for that, more than giving money to Caltrans for  
13 funding RAC projects. Is not the intent of this line.

14 CHAIRPERSON MARIN: Although, if there was ever a  
15 way to further incentivize Caltrans to use RAC, we would  
16 do that. But not in this allocation.

17 SPECIAL WASTE DIVISION SUPERVISOR FUJII:  
18 Certainly. But I think at this point in time I think the  
19 thinking is that we're pretty much at a point where we  
20 don't need to research the purchase of RAC much more.  
21 Caltrans understands what that is.

22 I think the targeted outreach program is to get  
23 those jurisdictions that have never used it before and to  
24 convince them there are definite advantages to using it.  
25 Right now the Kuehl Bill Grant Program has been

1 successful, largely in part because there are some  
2 first-time users, but there are a lot of continuing users  
3 who participate in that program. But we use the material  
4 even without the incentive. Ultimately, the goal of this  
5 program is to not give any grants anymore.

6 CHAIRPERSON MARIN: Thank you. Anything more?

7 MR. TAKALLOU: The last item talks about as part  
8 of the RAC incentive program providing technical expertise  
9 to these local agencies. I want to announce our  
10 Committee, which I said which consists of contractors,  
11 local agencies, we are willing to provide free of charge  
12 our technical expertise to these local agencies.

13 CHAIRPERSON MARIN: Talk to Jeanet.

14 MR. TAKALLOU: Use these free programs, because  
15 one of the only concerns I have, there are too many  
16 consultants in this Five-Year Plan. And I'd like to see  
17 the money get out on the street, rather than further  
18 hiring more consultants.

19 CHAIRPERSON MARIN: As can you see, there's a lot  
20 more money going out than ever before.

21 MR. TAKALLOU: And appreciate it if we can just  
22 use some of these free programs available to, you know,  
23 refer to us. You know, if you have a question, we'd be  
24 happy to send technical expertise free of charge to these  
25 agencies.

1 CHAIRPERSON MARIN: Be careful with what you ask  
2 because --

3 MR. TAKALLOU: We'd be happy to do it.

4 CHAIRPERSON MARIN: -- you just might get it.

5 BOARD MEMBER MULÉ: Madam Chair, I would like for  
6 us to direct staff to work with Mr. Takallou and take him  
7 up on the offer of free service. Thank you very much.

8 CHAIRPERSON MARIN: We really do appreciate  
9 everything that you do.

10 MR. TAKALLOU: Thank you.

11 CHAIRPERSON MARIN: Last, but not least, on this  
12 particular item, Joe Dvoracek.

13 MR. DVORACEK: Good job. My sister is laughing  
14 as she's hearing this on the internet. Dvoracek. My  
15 brother says it Dvoracek. We'll give you leeway there.

16 Madam Chair and Board members, I'd like to thank  
17 you for awarding 3D Traffic Works a grant this year. We  
18 truly hope that we earn it. It's our goal.

19 CHAIRPERSON MARIN: You better.

20 MR. DVORACEK: I mean we will. Big time. I  
21 think you'll be real happy with us.

22 In going over the Five-Year Plan, a couple  
23 things, small stuff. One of the incentives said that our  
24 money was going to go towards local government. And that  
25 was for tire-derived product grants. What that was, was

1 at our conference Calvin was kind of describing this  
2 program that would kind of act as a pull-through. It gave  
3 us the opportunity to go to our customers and say, you  
4 know, not only are our products great and all that kind of  
5 stuff, but the State of California is going to give you  
6 money to try our products. That was kind of the goal  
7 there.

8 But what happens, someplace in here the word  
9 "local government entities" got placed in there. In my  
10 business, I can't deal directly with the local government.  
11 I deal with my customers, and my customers sell to the  
12 local government. I would be going around all of my  
13 customers to deal directly with, say, City of Los Angeles.  
14 I sell City of Los Angeles through a number of different  
15 agencies. So when we do -- I don't know if you're getting  
16 what I'm saying here. But part of this program says if  
17 something buys \$100,000 worth of tire-derived products  
18 from me, that they actually can get a grant to buy those  
19 products from me.

20 Are you getting that? Is this -- do you know  
21 what I'm talking about?

22 BOARD MEMBER MULÉ: Can staff respond to this?

23 CHAIRPERSON MARIN: Mitch.

24 WASTE TIRE DIVERSION MANAGER DELMAGE: I'm not  
25 sure if I fully understand. We were specifically

1 targeting local governments to buy these products.

2 MR. DVORACEK: I understand that.

3 WASTE TIRE DIVERSION MANAGER DELMAGE: It would  
4 be very difficult to run a grant program if we opened it  
5 up to anybody that wanted to buy a tire-derived product.  
6 By limiting it to local governments, what we're hoping to  
7 do is -- who we have more influence with the local  
8 government, be able to get them to spur the market, so it  
9 can spill over into the private sector.

10 MR. DVORACEK: But if I sell like White Cap -- is  
11 everybody familiar with White Cap? They're the Home Depot  
12 of my industry. They sell to like City of L.A. Then  
13 would I go to White Cap and say when you sell City of Los  
14 Angeles, separate that in your sales, and then City of  
15 L.A. can qualify for moneys from the State of California  
16 based on the amount of rubber in my products.

17 Have I totally missed the boat?

18 WASTE TIRE DIVERSION MANAGER DELMAGE: I'm not  
19 sure if I'm not understanding what you're suggesting. But  
20 if, for instance, the City of Los Angeles were to apply  
21 for a grant for that particular product --

22 CHAIRPERSON MARIN: We're going to have to cut  
23 this. There's going to be -- clearly, staff needs to  
24 understand what your situation is. And we can't do it  
25 right now. I have to run a meeting.

1           MR. DVORACEK: So this isn't set in stone? We'll  
2 be able to go back through and go over fine print and  
3 things like that?

4           CHAIRPERSON MARIN: Well, it is a guide. It is  
5 the guideline of how we're going to spend our money. But  
6 you have to be very careful right now, because we may just  
7 take that allocation out. So I need to give staff the  
8 opportunity to understand what your situation is.

9           Let me just so that you understand clearly. We  
10 can't go out there and allocate money so any and all can  
11 just come in and buy your product directly. We can't do  
12 that, and give you the money. We can't do that. We work  
13 through jurisdictions. So if there's a problem, you need  
14 to fix that with staff. Okay.

15          MR. DVORACEK: Got it.

16          CHAIRPERSON MARIN: But we're not going to do it  
17 right now.

18          MR. DVORACEK: Got it. Thank you.

19          CHAIRPERSON MARIN: All right. Anybody else  
20 wishes to address the Board on the tire plan?

21          DEPUTY DIRECTOR LEE: Madam Chair, I just want to  
22 have Sally French address one point in the Resolution, one  
23 point of clarification to bring to the Board's attention.

24          MS. FRENCH: I would suggest since Tracy seems to  
25 be the high priority, in your previous item, our

1 Resolution indicated the million dollars was contingent on  
2 there not to be a fire. I would like to cross-reference  
3 that into this Resolution, so that if that fire occurred,  
4 then we would take the million dollars out of Line Item 7  
5 and put it back into this line item so that Tracy still  
6 gets their \$5 million.

7 CHAIRPERSON MARIN: Yep. That's true.

8 MS. FRENCH: Does Legal staff have some  
9 suggestion on what that language may be?

10 CHIEF COUNSEL CARTER: We can provide that. I  
11 think that's a good suggestion. We can provide a revised  
12 Resolution and submit it to Mr. Leary, with the  
13 understanding that the Board is directing us with only the  
14 necessity of fine tuning the language.

15 CHAIRPERSON MARIN: Excellent. That's very good.  
16 Thank you for working at that.

17 MS. FRENCH: To bring us back to markets, I took  
18 63,000 out of Line 7 and added it into Line 18 so that the  
19 RAC grants from the Kuehl Bill is 16 percent of our sum  
20 total for the market development element.

21 CHAIRPERSON MARIN: Excellent. Okay. So that  
22 brings us to an allocation of 12,038,055 and zero cents.

23 MS. FRENCH: Would you like to see your overall  
24 budget for five years? It's at about \$163 million.

25 CHAIRPERSON MARIN: This will be available on our

1 website as early as tomorrow, or does it go live today?

2 MS. FRENCH: These revisions?

3 CHAIRPERSON MARIN: Yeah.

4 MS. FRENCH: We can make these revisions and have  
5 them available tomorrow. And as you know, our  
6 Publications Section is also working through the grammar  
7 and punctuation and all that. So there will be minor  
8 changes before it is a final document.

9 CHAIRPERSON MARIN: I just want to make sure that  
10 people who will be following us through the Internet know  
11 what we're talking about.

12 So what I'm going to do for purposes of what  
13 would be the first year expenditures, the 05-06 proposal,  
14 I'm going to read for the record that one particular year  
15 everything that will be available including what I'm going  
16 to be saying through the Internet.

17 And the allocations for the first year 2005-06  
18 will total \$32,545,000. That would be for Enforcement  
19 8,270,948. Cleanup would be 7,025,292. Research is  
20 1,460,573. Markets, 10,375,055. Hauler and Manifest,  
21 876,482. Administration, 1,500,000. Mandatory Contracts,  
22 1,373,650. The RAC Grant, 1,663,000. There is no money  
23 for Program Evaluation.

24 I'm going to spare everybody reading the entire  
25 table, but I figured that would be at least something for



1 people to follow on the Internet.

2 Is there a motion? Not a motion yet.

3 BOARD MEMBER PEACE: I still have one question.

4 Back to the Tracy papers that you had given us.

5 You explained that you might need \$700,000 to do some  
6 finish-up paperwork, but you probably wouldn't. And on  
7 the last page, it has a chart there where it says how much  
8 goes to Sukut and how much to LFR, Inc., and then optional  
9 700,000. How sure are you we're not going to need that  
10 700,000?

11 DEPUTY DIRECTOR LEE: I'll ask Bob Fujii to  
12 respond to that.

13 SPECIAL WASTE DIVISION SUPERVISOR FUJII: The  
14 700,000 that we were asking for was going to cover the  
15 losses that we would have to proceed through to get a  
16 final sign-off from both the Department of Toxic  
17 Substances Control and the Regional Water Quality Control  
18 Board.

19 BOARD MEMBER PEACE: Would you want final  
20 sign-off?

21 SPECIAL WASTE DIVISION SUPERVISOR FUJII: What we  
22 were anticipating is we would bring forward the issue  
23 later to the Board. The reason I say that is because,  
24 currently, of the two long-term remediation projects that  
25 were completed, we were required to do that at the Westley

1 project because it was a condition of the settlement  
2 agreements that we entered into with responsible parties.  
3 We did not receive our money unless the site was  
4 consistent with the contingency plan.

5 In the case of Tracy, there is no responsible  
6 party. While there is a responsible party, there isn't  
7 any pending settlement that is in courts that would  
8 require the Board to seek that same kind of approval.

9 We would probably want to focus the efforts at  
10 this point in time on getting the site cleaned up and  
11 bring forward as we get closer to that cleanup an item  
12 that would have the Board consider whether or not they  
13 want to go ahead and consider funding any follow-up work  
14 that would be needed to get that compliance to that site  
15 and those agencies at that point in time and provide that  
16 option to you.

17 BOARD MEMBER PEACE: So when do you think if we  
18 did want to do that --

19 SPECIAL WASTE DIVISION SUPERVISOR FUJII:  
20 Probably would happen around the first of the year or  
21 thereabouts when we're close to the clean up the site.

22 And the way we fund that is, again, we had  
23 discussed bringing forward some possible potential  
24 reallocation issues or other available funding for the  
25 Board's consideration of that fund, and that probably

1 would coincide with the timing of us bringing this issue  
2 forward.

3 CHAIRPERSON MARIN: Okay. Any further  
4 discussion?

5 Is there a motion?

6 BOARD MEMBER PEACE: I'd like to move Resolution  
7 2005-124 revised, with what Sally explained if we did have  
8 an emergency, the \$1 million would come out of the RAC  
9 incentive program.

10 MS. FRENCH: The targeted RAC.

11 BOARD MEMBER PEACE: Targeted RAC.

12 BOARD MEMBER MULÉ: Second.

13 CHAIRPERSON MARIN: Moved by Ms. Peace, seconded  
14 by Ms. Mulé.

15 Call the roll, please.

16 EXECUTIVE ASSISTANT JIMENEZ: Peace?

17 BOARD MEMBER PEACE: Aye.

18 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

19 BOARD MEMBER MULÉ: Aye.

20 EXECUTIVE ASSISTANT JIMENEZ: Washington?

21 BOARD MEMBER WASHINGTON: Aye.

22 EXECUTIVE ASSISTANT JIMENEZ: Marin?

23 CHAIRPERSON MARIN: Aye.

24 Thank you very much.

25 Okay. Let me take Sustainability and Market

1 Development Committee.

2 Thank you so very much, Mr. Lee and Mr. Fujii,  
3 Sally. Thank you, everybody.

4 We're now moving on to the Sustainability and  
5 Market Development Committee. We had quite a few items on  
6 the agenda. Many items were placed on consent. There's  
7 only a couple of things that we need to bring to the  
8 entire Board. We had one particular discussion regarding  
9 a presentation on the CHPS Program. And I think he's  
10 going to continue to keep us up to date on that.

11 The next item -- if I may, Patty, I'm actually  
12 going to move one item. I know the City of Fresno has  
13 been here since 7:00 this morning.

14 If I may, Pat. You're there. They have a very  
15 long drive. I think they started driving at midnight.  
16 Pat, would you just explain a couple of things so that  
17 everybody understands why the City of Fresno is here. And  
18 that would be Item Number 18.

19 DEPUTY DIRECTOR SCHIAVO: Item Number 18, the  
20 Board directed staff to work more closely with the City of  
21 Fresno to accelerate some of the program implementation  
22 dates. So Board staff had telephone conversations with  
23 City staff to move forward the C&D ordinance, as well as  
24 the mandatory ordinance for commercial recycling, as well  
25 as a waste generation study.

1           City staff responded back to us that they were  
2     unwilling to accelerate the program. As a result of that,  
3     we could not recommend approval at this time. But we have  
4     the City Manager here today to respond to the Board as far  
5     as accelerating the dates.

6           CHAIRPERSON MARIN: Mr. Sousa.

7           MR. SOUSA: I've been called worse things in a  
8     much different setting. So thank you.

9           CHAIRPERSON MARIN: Thank you.

10          MR. SOUSA: Again, on behalf of Mayor Alan Autry,  
11     we want to thank you. Madam Chair, members of the Board,  
12     my name is Andy Sousa. I'm the City Manager for the City  
13     of Fresno. I've been in this role since February of 2005.  
14     So it's been a pleasure to serve with Mayor Autry. I  
15     think many of you have had the opportunity to meet Mayor  
16     Autry.

17          While I've been in this role a brief period of  
18     time, I have been with the City for 19 years. So I have  
19     been somewhat on the sidelines, but watched over the fence  
20     as my former controller and his Assistant City Manager on  
21     what I would have to characterize the starts and stops  
22     that we've had with implementation. I mean, I would love  
23     to be able to stand before you as a Board and tell you  
24     it's been a spotless, sparkling implementation. But if  
25     that was the case, I don't believe I'd be here. So we

1 acknowledge we've had some start and stops and some  
2 stumbles along the way.

3           But I also want to begin by expressing an apology  
4 for any misunderstanding our staff may have left about the  
5 urgency of this matter. I know there were e-mails  
6 regarding the availability of staff. And, obviously, my  
7 presence here I hope can send a message to the Board we  
8 take this very serious. I spoke at length with the Mayor  
9 last night, and this is a very serious issue. We  
10 understand, as staff has shared, we have two issues that  
11 we really are grappling with. One is the C&D ordinance  
12 and one is the mandatory commercial recycling.

13           I'd like to take the approach on the latter  
14 first, which is the mandatory commercial recycling. I  
15 don't want to commit to something today to this body that  
16 I can't fulfill. But I can commit I'm in a position to  
17 sit down with staff and get with the Mayor and get with  
18 the Council and aggressively address this issue. I know  
19 we as a City have grappled with this, but we haven't  
20 grappled enough. So my commitment to this Board is that's  
21 the action that will be taken in a very short term.

22           As to the C&D ordinance, we have -- I met with  
23 staff last night, phone calls all the way down here this  
24 morning. Unfortunately, our Council, we would not be able  
25 to get this on the agenda for the 17th of this month.

1 They're silent, dark, the 24th and the 31st. The first  
2 meeting will be June 7th. We will be proposing to put the  
3 initial reading on June 7th, adoption on June 14th,  
4 effective July 16th. So we have worked with staff and  
5 legal and our development department and in our public  
6 utilities department, and I think we -- again, apologize  
7 that we have left the impression this wasn't urgent,  
8 because it clearly is.

9           And having said that, what I'd like to ask for  
10 this body to consider is I know you have a Resolution  
11 disallowing our petition of request. We would ask we  
12 modify that and take a two-track approach. We certainly  
13 understand the urgency on your side. We don't want to be  
14 in a situation where 30 days from now we haven't made any  
15 progress and you've lost 30 days. What I'd like to  
16 request is we take a two-prong approach. We certainly  
17 understand the need to begin the 60-day period, but at the  
18 same time, leave our application for extension open. And  
19 then if we can return to this at your Committee meeting in  
20 June, your full Board meeting in June as well, have very  
21 specific the results of our ordinance in front of our City  
22 Council. We hope that balances our needs to keep this  
23 process going, but clearly acknowledging that we don't  
24 want to do something that hinders the concerns that you've  
25 already raised with us.

1           CHAIRPERSON MARIN: Mr. Sousa, first of all,  
2 thank you very, very much for being here. And I figure if  
3 you knew that this was before us, that your answer would  
4 be exactly what you had just said.

5           MR. SOUSA: Thank you.

6           CHAIRPERSON MARIN: And let me just say what I  
7 have said to every single other jurisdiction that has come  
8 before us. We want you to succeed. Our success depends  
9 on you being successful. And we have worked with very  
10 many cities. Some of them are doing 75 percent recycling  
11 right now. And we are working with some that have had  
12 very serious setbacks. And we work with each one of them,  
13 because we want them to be successful.

14           The lack of understanding, or at least what was  
15 portrayed to us, left us no room but to move in the  
16 direction we were moving. I'm very happy to see you here  
17 today. I know I wouldn't want to see your Mayor. I know  
18 he wouldn't want to see me.

19           MR. SOUSA: I wouldn't want you seeing our Mayor.  
20 I can assure you that. That's certainly staff's -- we  
21 need to resolve.

22           CHAIRPERSON MARIN: But because you are a very  
23 important city, everything you do has direct repercussions  
24 to us fulfilling our mandate. So I'm very pleased -- I'm  
25 sure the Board agrees we are extremely pleased with your



1 immediate response, you very professional demeanor in  
2 addressing the concerns this Board has unfortunately been  
3 unable to succeed at. And I believe that to track is very  
4 appropriate. We've actually done it before. And unless  
5 there are any further comments or questions or anything  
6 else, we will go that way.

7 BOARD MEMBER WASHINGTON: I think it's great.

8 CHAIRPERSON MARIN: Ms. Mulé.

9 BOARD MEMBER MULÉ: I just want to thank you for  
10 coming down here today on such short notice. We all -- I  
11 think I speak for the entire Board that we all appreciate  
12 your effort and your commitment to make this a successful  
13 program.

14 I do have one question. You do have a C&D  
15 processing facility in the area that can accept the  
16 materials for processing?

17 MR. SOUSA: I believe we do. Yes.

18 BOARD MEMBER MULÉ: Okay. Thank you.

19 CHAIRPERSON MARIN: Is there a motion? Oh, wait  
20 a minute. The motion will read -- let's see. I have the  
21 Resolution 2005-132. Is there anything that we need to --  
22 does everybody have a copy of the motion? Is there any  
23 changes to the motion to the dual track? Pat, do we need  
24 to change the wording here so that we allow for the  
25 two-track, the 60 day --

1           DEPUTY DIRECTOR SCHIAVO: No. The City is very  
2 aware that they are on the 60-day notice period. So that  
3 doesn't need to be included at all.

4           CHAIRPERSON MARIN: It will be adoption of  
5 Resolution 2005-132 is basically allowing the  
6 consideration for time extension, Mr. Sousa, by your --

7           MR. SOUSA: I would only ask because the  
8 "therefore" means that you have disapproved our  
9 application --

10          DEPUTY DIRECTOR SCHIAVO: There's another  
11 version.

12          MR. SOUSA: I'm sorry. I will certainly defer to  
13 your staff. And I think the term we use in Fresno is very  
14 short leash, the 60 days. We certainly understand and  
15 appreciate that.

16          CHAIRPERSON MARIN: Is there a motion?

17          BOARD MEMBER MULÉ: Motion to approve Resolution  
18 2005-132.

19          BOARD MEMBER WASHINGTON: Second.

20          CHAIRPERSON MARIN: As revised.

21          BOARD MEMBER MULÉ: Revised.

22          BOARD MEMBER WASHINGTON: Second.

23          CHAIRPERSON MARIN: Moved by Ms. Mulé, seconded  
24 by Mr. Washington. Without objection, that will be the  
25 pleasure of this Board.

1           And we thank you again, and now drive carefully.

2           MR. SOUSA: Thank you. And we appreciate your  
3 patience. And I was going to ask Mr. Lee for his Tums,  
4 but he left and took them with him. So hopefully next  
5 time we'll be celebrating the success from having our  
6 ordinance, and looking forward to continuing this  
7 relationship. Thank you very much.

8           CHAIRPERSON MARIN: Thank you.

9           Pat, are all of your items done?

10          DEPUTY DIRECTOR SCHIAVO: There is Item 23, and I  
11 just ask you for direction to move forward with the 15-day  
12 notice. I think we may have one speaker.

13          CHAIRPERSON MARIN: I know for sure we will have  
14 one speaker.

15          DEPUTY DIRECTOR SCHIAVO: It's your call on that  
16 one.

17          CHAIRPERSON MARIN: The speaker I was thinking of  
18 is not here. Oh, there he is. Oh, man. I was hoping.

19          DEPUTY DIRECTOR SCHIAVO: Although, he had his  
20 one chance today.

21          CHAIRPERSON MARIN: Actually, we have three  
22 speakers on this. So why don't you go ahead and make your  
23 presentation, and we'll get --

24          DEPUTY DIRECTOR SCHIAVO: I'll be very brief.  
25 I'm not going to go over the history of the item, because

1 that's already addressed in the item itself.

2 CHAIRPERSON MARIN: Mr. Washington wants some  
3 background.

4 DEPUTY DIRECTOR SCHIAVO: It starts four years  
5 ago. More recently, the Board has gone out with two  
6 45-day notices. We took a time-out April 12th. We had an  
7 informal workshop. We addressed 14 items that were  
8 brought to our attention towards the end of this whole  
9 process. We addressed all of those items. Several of  
10 them were just cleanup language to simplify a couple  
11 other -- simplify processes. And then one item that, you  
12 know, I guess probably is the most controversial has to do  
13 with frequency of reporting. In the proposed regulations,  
14 we have a frequency of daily reporting in there. However,  
15 there's a split in the affected community regarding what  
16 is the most appropriate frequency for reporting. And so  
17 we're asking for your direction to go with a 15-day  
18 notice. It does not preclude people from making comments.

19 CHAIRPERSON MARIN: And even though it doesn't  
20 preclude them, we will have comments, especially from Mr.  
21 Chuck White. Would you please come over? We welcome  
22 everybody's comments. Whether we agree with them or not  
23 is a different story.

24 MR. WHITE: I was worried that after my  
25 misadventure into the tire issue maybe I wouldn't be able

1 to get up and speak.

2 I'll try to be brief. Chuck White with Waste  
3 Management. We really appreciate the effort that the  
4 Chair and Board members have really shown in working with  
5 the concerned parties about these regulations as they move  
6 forward. And I have to say, for the most part, the myriad  
7 of issues I think have been substantially addressed.

8 But there is one remaining concern that we have  
9 and others have. And that is with respect to the  
10 continuous daily reporting requirement, which we believe  
11 is really contrary to existing statute. The statute  
12 allows only periodic tracking surveys on the disposal  
13 tonnages by jurisdiction. And, furthermore, the statute  
14 says it has to be a representative accounting. And it  
15 cannot impose an unreasonable burden. And, now, the AB  
16 2202 process did direct the Board to make recommendations  
17 to improve the implementation and to streamline the  
18 reporting system.

19 When the Board last adopted these regulations in  
20 1995, I believe, the Board specifically stated that the  
21 statutes require periodic surveys and that sampling every  
22 day is not periodic. I'm quoting the Board's final  
23 Statement of Reasons. And local agencies may require more  
24 frequent, even continuous, surveys. But mandated  
25 statewide regulations on continuous surveys would be too

1 expensive and would exceed -- and I'm quoting directly  
2 from the final Statement, "exceed the statutory provision  
3 on periodic tracking surveys. "So for this reason, we  
4 believe you cannot proceed legally with these regulations  
5 that would go from a periodic survey to a continuous daily  
6 tracking survey.

7           Now, AB 2202 directed the Board to evaluate this  
8 periodic system and make recommendations for both  
9 regulatory and statutory changes that would be necessary  
10 to make changes to and reduce the burden and increase the  
11 streamlining of these regulations. The Board has chosen  
12 only to pursue the rule making route, and we think that is  
13 where the problem lies, is that you should have perhaps  
14 gone back and considered legislation to give the Board  
15 authority to require continuous daily tracking, if that's,  
16 in fact, what you feel you want to do. We don't recommend  
17 that. We would oppose a continuous daily tracking. We  
18 think there is a better way, and we hope that in upcoming  
19 discussions we'll bring this out a better way to adopting  
20 compliance and enforcement of AB 939 through future  
21 revisions to the statute of regulations.

22           So I find myself in an uncomfortable and awkward  
23 position of having to oppose these regulations, and we'll  
24 continue to oppose them if they move forward. We're  
25 concerned about going out to 15-day public comment,

1 because of the Administrative Procedures Act only  
2 obligates you to consider comments that are made in  
3 response to changes you have made to the proposed  
4 regulations and going out for 15-day public notice.

5           We were very much concerned that our arguments  
6 with respect to the statutory problems we think you have  
7 with these regulations ought to be presented. So we would  
8 certainly urge you not to proceed with these regulations,  
9 because of the statutory flaw that exists. But in any  
10 event, we would certainly hope that you would continue to  
11 consider our comments and continue to be able to put them  
12 on the record as we speak them today and as we presented  
13 them in writing most recently. And if you do decide to go  
14 over the 15-day notice, which we advise against, we would  
15 then be able to -- our comments would be fully in the  
16 record.

17           CHAIRPERSON MARIN: Thank you, Mr. White.

18           Next speaker is Evan Edgar from CRRC.

19           MR. EDGAR: Good afternoon, Chair and Board  
20 members. My name is Evan Edgar from the California Refuse  
21 Removal Council. We support this. There's been a  
22 five-year process, been transparent with a lot of  
23 workshops. And this is a better way. This is the best  
24 way to go, because you have the accountability. This  
25 disposal industry in California is a \$4 billion a year

1 industry. And incremental costs of accounting for that is  
2 not vesicant. I represent over 100 small haulers, 50  
3 transfer stations and MRFs. We can do this. We are doing  
4 this. We will do this at no big cost. It's not  
5 burdensome. It's good business practice.

6 So we support the staff on this. It's been a  
7 good process. We've had a lot of give and take on  
8 different aspects on it. We came a long way. To delay  
9 implementation to January 1, '06 is a good idea for  
10 anybody that wants to fix the statute to work for them.  
11 But over at the Capitol, I think we want accountability in  
12 the disposal industry, and this is the way to get it. We  
13 support the regulations. Thank you.

14 CHAIRPERSON MARIN: Mr. Gerard Kapuscik.

15 MR. KAPUSCIK: Okay. Kapuscik.

16 CHAIRPERSON MARIN: How are you, Mr. Kapuscik?

17 MR. KAPUSCIK: Just fine, thank you. Although, I  
18 was a little concerned I might be the person you didn't  
19 want to come up to speak. Hopefully, that wasn't the  
20 case.

21 But in any event, Gerard Kapuscik from Ventura  
22 County Environmental Resources Department. And not  
23 surprising to you at all, our county supports fully the  
24 efforts to bring accuracy, precision, relevancy, and heft  
25 to the regulations that are long overdue.



1           I'm struck by each time we discuss this how  
2 similar in discussion the arguments before you are to  
3 those that are discussed before the Supreme Court of the  
4 United States on the principle of strict constructionism  
5 and broad interpretation. If you added five more of you,  
6 perhaps you could become the Supremes of diversion in the  
7 state of California. But I prefer to think of you --  
8 because I said to you last time that if market development  
9 is the heart and sole of AB 939, disposal reporting system  
10 is certainly the conscious.

11           And as a consequence of that, I've decided that  
12 today in your capacity and when you deal with these regs,  
13 you really are the Diogenes of diversion. By holding the  
14 torch, the light of truth and path to this question of  
15 whether the tons are appropriately allocated and  
16 appropriately documented or appropriately logged and  
17 attributable to the jurisdictions to whom they are  
18 reported, you are striking to the very heart of diversion  
19 attainment under the quantitative method of how it exists  
20 under statute and regulation. And that is that disposal  
21 tons are appropriately reported.

22           And to the extent that we can move towards higher  
23 diversion, we need to focus our efforts on subtraction of  
24 disposal. And we talk about other items later. It's not  
25 really important how we do that, other than the hierarchy

1 provides us guidance and the Legislature has established a  
2 statewide goal. But there are many different approaches  
3 to do that.

4           And I have to add that in light of Mr.  
5 Washington's service in the Legislature, he will certainly  
6 remember one of the greatest political leaders of all  
7 time, Speak of the Assembly Willie Brown. And he was once  
8 asked what the secret was to being Speaker of the  
9 Assembly. And he quickly responded "41 votes." Then he  
10 said with even greater wisdom, "It doesn't have to be the  
11 same 41."

12           And that's really the issue of diversion  
13 attainment. We have to achieve 50 percent. There are  
14 500-plus jurisdictions exercising laboratories of  
15 diversion attainment. We don't all have to achieve it the  
16 same way. But we do have to achieve it honestly,  
17 accurately, fairly, and representatively. And I think  
18 your regulations adoption, the quickly they can become  
19 effective -- and I think January 1st, 2006, is a  
20 tremendous quantitative, qualitative quantum step in the  
21 direction of truth, accuracy, and precision. It is not  
22 all the answers, but it is long overdue.

23           I applaud you for the courage and wisdom to move  
24 it forward. This is only, of course, the beginning of a  
25 process of looking at how we will move to the future of

1 maintaining and hopefully increasing diversion in  
2 California. So thank you for that.

3 CHAIRPERSON MARIN: Thank you.

4 Any comments or questions?

5 Ms. Mulé?

6 BOARD MEMBER MULÉ: Thank you, Madam Chair.

7 I have several questions here. First to our  
8 Chief staff, Pat, what do we accomplish by daily  
9 reporting?

10 DEPUTY DIRECTOR SCHIAVO: More accuracy.

11 BOARD MEMBER MULÉ: And then can that same  
12 objective be accomplished by reporting -- doing the  
13 surveys one quarter a month?

14 DEPUTY DIRECTOR SCHIAVO: One month per quarter?

15 BOARD MEMBER MULÉ: One month per quarter.

16 DEPUTY DIRECTOR SCHIAVO: I'm not sure it would  
17 be to the same level of accuracy. It could possibly be.

18 We have never tested that. We know the one week per  
19 quarter doesn't work. Maybe extend it out to a month.  
20 That may capture most of it. I don't know for sure.

21 BOARD MEMBER MULÉ: So you're saying greater  
22 accuracy. And I'm just trying to understand how we would  
23 have greater accuracy if you survey a driver or a hauler  
24 that comes in, and when he's asked what his jurisdiction  
25 of origin is and he says Corona every day and you have

1 that on your survey every day. And, instead, he's  
2 actually from Unincorporated -- his waste is from  
3 Unincorporated Riverside County as opposed to Corona. I'm  
4 trying to understand. I know we're trying to be more  
5 accurate, but I think we're going after the wrong thing.

6 DEPUTY DIRECTOR SCHIAVO: A lot of that  
7 information would actually be generated via the dispatcher  
8 and tried out with the weight records such as is done in  
9 Puente Hills. It's electronically done. And you would  
10 have more familiarity over time. Part of what we run into  
11 is exactly that. It's the gate keeper with the truck  
12 driver. So we're trying to alleviate as much of that as  
13 we can.

14 With the commercial sector, the contracted  
15 hauler, which is about 80 percent of the population, we  
16 would improve that greatly. We would still have -- we  
17 would improve self-haul, but we would still have gaps in  
18 self-haul, which would be 20 percent.

19 BOARD MEMBER MULÉ: And my next question is for  
20 Marie Carter.

21 If you could address what can be addressed in  
22 this 15-day comment period, because there seems to be a  
23 misunderstanding out there as to what people can comment  
24 on.

25 CHIEF COUNSEL CARTER: Yes. Technically, it's

1 limited to those items and not information that is new to  
2 the Board. However, the Board has routinely and is the  
3 tradition of the Board to be more open and to allow  
4 additional comment.

5 BOARD MEMBER MULÉ: So, legally, we can consider  
6 all comments pertaining to all changes in the regs?

7 CHIEF COUNSEL CARTER: That's correct.

8 BOARD MEMBER MULÉ: My last question is for Mr.  
9 White, if you would come up front, please. Don't mean to  
10 put you on the spot.

11 MR. WHITE: Chuck White, Waste Management.

12 BOARD MEMBER MULÉ: What I've been struggling  
13 with is why it seems like pretty much the rest of industry  
14 are supporting these regs, and it seems like there's two  
15 companies that are not.

16 MR. WHITE: I can't speak for every company. I  
17 know Norcal, Allied, and Waste Management have said  
18 similar concerns. And I know there are local  
19 jurisdictions that likewise have similar concerns. A  
20 representative from Orange County that was here this  
21 morning had to leave, but she expressed to me similar  
22 concerns as to why we're going to mandated statewide daily  
23 reporting, when at least half, if not more, of the state  
24 is already providing daily reporting through local  
25 requests, local cooperative requests of the haulers and

1 landfills and transfer stations provide this information.

2           Do we really need to have mandatory statewide  
3 regulations for 100 percent so every single ton is  
4 assigned to every single jurisdiction, which there are  
5 about 450 in the state? I just question whether that is  
6 really a wise allocation of resources and the proper way  
7 to determine compliance. Is there a better way?

8           There's discussions undergoing today to come up  
9 with an alternative compliance mechanism. We don't know  
10 where those discussions will go. There's discussions that  
11 Pat Schiavo has been leading here on staff. There's  
12 discussions with the Legislature. Our preference would be  
13 to see those things play out before we go to a mandatory  
14 statewide reporting system.

15           And, remember, the whole current diversion thing  
16 is a three-cornered hat: Disposal reporting, adjustment  
17 method, and base years. These are tremendously  
18 inaccurate. First of all, trying to go to daily will deal  
19 with some of the inaccuracy, but it doesn't address the  
20 kinds of issues you have. Are people still reporting  
21 accurately, particularly self-haul people, the origin of  
22 the waste? And there's the inaccuracies built into the  
23 base years, all of which really says are we really making  
24 an improvement, a substantial with the increased burden of  
25 mandatory statewide reporting on every ton of solid waste

1 that's disposed of in the state. Is that really where the  
2 state is unique of all the states in the union?

3 And we think it's contrary to California state  
4 statute that only authorizes the Board to adopt periodic  
5 representative reporting. And going to continuous daily  
6 simply is not consistent with the statutory authority that  
7 you have, that you've been granted.

8 BOARD MEMBER MULÉ: Okay. That's all I have.

9 Thank you, Madam Chair.

10 CHAIRPERSON MARIN: Ms. Peace.

11 BOARD MEMBER PEACE: You said so half the state  
12 is already doing daily reporting?

13 CHAIRPERSON MARIN: 60 percent.

14 DEPUTY DIRECTOR SCHIAVO: We're doing another  
15 survey to get more up-to-date information.

16 BOARD MEMBER PEACE: I was going to ask Mr.  
17 White, are any of the facilities that you represent  
18 already required to do daily reporting?

19 MR. WHITE: Yes. This is Chuck White with Waste  
20 Management.

21 We have cooperated with local governments that  
22 have asked us to provide more. We're willing to do that.  
23 And we will continue to work with local governments to  
24 come up with an acceptable system as best we can, given  
25 because we don't provide 100 percent of the services to

1 every jurisdiction. We can only accurately report what we  
2 have. And we're willing to do that.

3 But we just question whether it's good government  
4 for a state agency to adopt regulations requiring  
5 mandatory statewide reporting, rather than the current  
6 system, which allows local governments to impose  
7 additional reporting requirements. So far, there's very  
8 limited ordinances that have been adopted. Most local  
9 governments have simply turned to their haulers and  
10 requested that this information be provided. And we're  
11 willing to continue to do that. Do we really need to have  
12 statewide mandatory regulations in this area? And I  
13 question that.

14 CHAIRPERSON MARIN: Thank you, Mr. White.

15 Let me take a stab at this, because I've only  
16 been here for one year. This ping-pong ball has been  
17 around for almost five years now. And, you know, I  
18 appreciate the fact that if 60 percent of the  
19 jurisdictions are doing it, why mandate it for the other  
20 40?

21 The question is fairness in the sense that at the  
22 end of the day, we want to have as close, as accurate as  
23 possible, and it's not going to be perfect. But if we  
24 have 100 percent reporting to the best of their ability,  
25 the accuracy is going to be vastly improved than if we



1 only have 60 percent. And it's not going to be 100  
2 percent perfect. No system will enable us to do that,  
3 number one.

4           Number two, I personally have talked to and been  
5 involved in the discussions. Allied is willing, ready,  
6 and able to do this. They're doing it for their clients.  
7 Republic, I had Mr. Mark Aprea saying no problem. I mean,  
8 would they rather not have to? Yes. But if we adopt  
9 this, they will say there is no problem. We will do that.  
10 Norcal, they'd rather not do it. But, you know, they're  
11 already doing it for a number of their clients. It is  
12 only Waste Management that has chosen to oppose this and  
13 will further oppose this --

14           MR. WHITE: If you adopt these regulations and  
15 there --

16           CHAIRPERSON MARIN: Excuse me. I hadn't finished  
17 yet.

18           We have the League of California Cities saying  
19 this will provide every single jurisdiction out there the  
20 opportunity to, as best as they possibly can, to have as  
21 accurate account as they can possibly get. It's not going  
22 to be 100 percent. We know that because of the self-haul.  
23 But we need to deal at least incrementally with some of  
24 the issues. This way we take a big bite, 80 percent, out  
25 of the question.

1           What individual jurisdictions -- even Orange  
2 County. Orange County had the opportunity to address this  
3 here. They didn't raise it. They could have. But they  
4 didn't. So it may not be that egregious to them. They  
5 probably would benefit from that. And I can't go into  
6 hearsay anyway as to one jurisdiction versus another. I'm  
7 telling you what I have heard from the parties involved.

8           The concern that I have heard is that unless we  
9 do this, the door is open for either individuals or  
10 companies to game the system. And I believe if we're  
11 going to hold anyone accountable, we're going to have to  
12 have the same measure for everybody. It is the fairest  
13 way. If imperfect, it is the fairest way. And we would  
14 not want anyone to suggest that by leaving the door open  
15 some individual or company would game the system.

16           Mr. White.

17           MR. WHITE: Thank you.

18           If these regulations are adopted, they become  
19 effective, Waste Management will comply with them. We'll  
20 do everything we can. But we just think there's a better  
21 way for determining compliance with AB 939, and we would  
22 like those discussions to play out.

23           But in no way is Waste Management going to be  
24 gaming the system or not doing everything we can to comply  
25 with 100 percent with whatever regulations are in place.

1 We just happen to disagree that this is -- in terms of  
2 perspective, this is the proper way to go. We just think  
3 there's better alternatives. And we think that the  
4 statute doesn't authorize you to do what you're saying.

5 CHAIRPERSON MARIN: And, obviously, that's why it  
6 has taken five years, because we cannot seem to come to an  
7 agreement. And there's a point in time when we have to  
8 either go forward or just stop this completely. You know,  
9 we have this before us, and it is going to be up to us.  
10 I'm sure Mr. White and his company -- his client, rather,  
11 there are other steps, you know.

12 I believe we've come to what I thought was the  
13 best resolution, if imperfect. But if we just continue,  
14 it's going to be five more years before we have a product.  
15 And I, quite frankly, don't know if there will ever be a  
16 resolution. Why don't we just go ahead and let's do it at  
17 the next level, which would be the Office of  
18 Administrative Law, where they would be able to challenge  
19 the legality or accuracy or whatever.

20 So if I may -- right now we don't have to do  
21 anything except allow the 15-day period. And there may be  
22 an opportunity for us to further discuss this. Maybe  
23 there is, you know -- what is it -- a Solomonic way to get  
24 agreement to this, maybe. I'm hopeful. But I think it's  
25 been five years.

1 Do we need a motion for that?

2 DEPUTY DIRECTOR SCHIAVO: It's your direction.

3 BOARD MEMBER MULÉ: I just have one more question  
4 for staff.

5 So if this goes out for 15 day and we do approve  
6 it and then if we do follow through with our alternative  
7 compliance system, then this system would then change once  
8 again to work with the new compliance system?

9 DEPUTY DIRECTOR SCHIAVO: I would imagine  
10 depending on what the alternative system looks like we  
11 would alter these to match up with what we're trying to  
12 accomplish.

13 BOARD MEMBER MULÉ: The alternative compliance  
14 system requires reporting by county, we can -- okay.  
15 Thank you.

16 BOARD MEMBER WASHINGTON: Madam Chair.

17 CHAIRPERSON MARIN: Mr. Washington.

18 BOARD MEMBER WASHINGTON: Ms. Carter, so we have  
19 answered Mr. White's challenge in terms of the legalities  
20 of this thing; right?

21 CHIEF COUNSEL CARTER: Yes. The Legal Office  
22 feels comfortable that we are in compliance with statute.  
23 And as the Chair said, this matter will go on to AOL.

24 BOARD MEMBER WASHINGTON: Thank you.

25 Because I do remember hearing this discussion

1 when I first came to this Board, and that's why I wonder.  
2 Because I know Mr. White raised that same point three  
3 years ago. And I just wanted to make sure that at least  
4 our Legal Office, Mr. White, has suggested to this Board  
5 that we are legally authorized to do so. And if not and  
6 if there's, again, when you get to the Administrative Law  
7 Office and you can't rectify this thing, you have to come  
8 back and revisit it. So you do have another option in  
9 this situation.

10 CHAIRPERSON MARIN: Thank you.

11 Okay. Ms. Peace.

12 BOARD MEMBER PEACE: We did get a letter from the  
13 Law Office of Nielsen, Merksamer, Parrinello, Mueller &  
14 Naylor.

15 CHAIRPERSON MARIN: I actually also got a letter  
16 and I should have --

17 BOARD MEMBER PEACE: We all need to ex parte  
18 that.

19 This letter I guess basically says if we do this,  
20 we're going outside of our authority. Do we know on whose  
21 behalf this was written?

22 MR. WHITE: There's our legal counsel in this  
23 matter.

24 BOARD MEMBER PEACE: That's yours?

25 MR. WHITE: Yeah.

1           CHAIRPERSON MARIN: And also for the record, I  
2 don't know if any of you got a letter from Senator  
3 Ackerman. I also talked to the Senator's staff and  
4 explained to them what was the process and where we were  
5 and so forth. So they are fully aware we will be taking  
6 this action.

7           Okay. Thank you, Pat. That was painless.

8           Thank you, Mr. White.

9           Patty, no Tums for you.

10          DEPUTY DIRECTOR WOHL: Agenda Item 14, which is  
11 Consideration of the Conversion Technology Report to the  
12 Legislature and Recommendation. And Fernando Berton will  
13 present.

14          CHAIRPERSON MARIN: We have quite a few people  
15 that will speak on this item. So Fernando -- and,  
16 actually, I will tell you before you speak, let me just --

17          ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
18 I'll be brief.

19          CHAIRPERSON MARIN: We have also received, for  
20 the record, a letter from Waste to Energy, SWANA  
21 California Chapters, County of Los Angeles, Regional Solid  
22 Waste Association, City of San Diego, City of Rosemead,  
23 Los Angeles Integrated Waste Management Task Force, City  
24 of Artesia, City of Heuneme, City of Gardena, City of West  
25 Covina, Californians Against Waste, Los Angeles Integrated

1 Waste Management Task Force -- I guess they sent it  
2 twice -- City of Covina and City of Glendora.

3 For the most part, most of the cities, if not all  
4 of them, were in support of the report as it had  
5 originally been sent. And there's quite a few people that  
6 will be speaking. I believe there was only Californians  
7 Against Waste that applauded the efforts. And I'm sure  
8 they're going to be speaking later on of the new and  
9 revised report to the Legislature as the Legislature  
10 requested it.

11 So with that, Fernando, would you walk us through  
12 the report and what we have before us.

13 (Thereupon an overhead presentation was  
14 presented as follows.)

15 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
16 Yes. Thank you very much, Board Member Marin and other  
17 Board members. I'll try to be very brief.

18 --o0o--

19 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
20 I think we all know what the requirements are of AB 2770,  
21 so I'm not going to go into that.

22 --o0o--

23 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
24 We all know what the history was and why we're here today.

25 --o0o--

1 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:

2 So what I want to focus my comments on are how we revised  
3 the report and some of the other issues -- outstanding  
4 issues that we're asking direction on.

5 As you can see, the report itself contains  
6 definitions that were evaluated; pyrolysis, gasification,  
7 et cetera, that you see on the list. One thing I forgot  
8 to include on there was plasma arc. So we have a  
9 description and definitions of those different  
10 technologies.

11 --o0o--

12 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:

13 We do have, again, the compliance with 2270 life cycle  
14 impacts, that conversion to transformation and landfilling  
15 only. There is no comparison to composting and recycling.

16 You will notice in the report, the graphs on the  
17 life cycle graphs, there's still some stuff in there on  
18 the bar charts on the composting and recycling. I'm  
19 working on getting those out. So the final version will  
20 have those taken out.

21 As far as public health risk, we're still working  
22 with OEHHA. We'll continue to work with them. As you  
23 know, the data that we sent to them wasn't the kind that  
24 was necessary for their needs. So we'll talk to them on  
25 that issue.



1 I would like to say that we are still acquiring  
2 data. As a matter of fact, tomorrow I'm meeting with our  
3 U.C. Riverside contractors and the operators of the  
4 Romoland facility post-MRF MSW that was tested. All the  
5 data is in. I'm going to meet with them tomorrow to  
6 discuss all that data. And then we'll subsequently send  
7 that over to OEHHA for their analysis.

8 --o0o--

9 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
10 The findings, I've talked about before what those findings  
11 are. Those are still in the report. I don't need to  
12 belabor those points.

13 --o0o--

14 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
15 More findings there. Main thing, really, conversion  
16 technology will decrease the amount being landfilled.

17 --o0o--

18 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
19 The technical evaluation, again, talks about the term  
20 status of the technologies, what the feedstocks are, and  
21 the product and those environmental impacts and controls  
22 that would be necessary for these technologies.

23 --o0o--

24 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
25 As far as cleanest and least polluting, it's still a

1 difficult thing to identify what those cleanest and least  
2 polluting technologies are, because each family of  
3 technologies has its advantages and disadvantages. And  
4 based on scientific evidence provided to us by U.C., you  
5 can't single out one technology over a class of  
6 technologies.

7 --o0o--

8 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:

9 And to that end, the report will include a table that  
10 includes what those things are. This is a work in  
11 progress and stuff. But it will have the pluses and  
12 minuses of all those different types of technologies.

13 --o0o--

14 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:

15 The market impact assessment is, again, conversion  
16 technologies compared to recycling and composting. We  
17 still have in there the sensitivity analysis of the effect  
18 conversion technologies could have on diversion credit.  
19 We feel you really cannot assess the true market impact if  
20 you leave that out. So the analysis is still in there.  
21 There are no recommendations in this document at all.

22 --o0o--

23 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:

24 This is what I'd like to focus on. That's it for the  
25 report.

1           We were also directed at the April Board meeting  
2 to prepare a separate document that contains information  
3 and recommendations concerning conversion technologies  
4 that were outside of the scope of AB 2770. I think these  
5 are very important issues that we don't want to lose site  
6 of. And as you can see, those include definitions other  
7 than gasification and pyrolysis. There's things in  
8 transformation. There's biomass to energy, stuff that  
9 needs to be taken care of, conformance findings.

10           Those are all part of the requirements of 2770.  
11 But the definitions in 2770 cannot be done and looked at  
12 in isolation. So we'd like to get some direction from you  
13 in that realm; again, the diversion credit issue and  
14 looking at the inventory in terms of recycling and  
15 composting.

16                               --o0o--

17           ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
18 And I've talked about emissions and acquisition of more  
19 emissions data.

20           There's still the issue of recyclable materials  
21 in California and doing some market research. And then a  
22 lot of this can't happen without partnerships and working  
23 groups and with the ad hoc groups. I think formalizing  
24 some of this is very valuable.

25                               --o0o--

1 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:

2 I'll leave it at that. A couple final comments. The  
3 final report will also include a glossary of what I call  
4 an IOA, or an index of acronyms.

5 And I'd also like to say that the CT report is  
6 kind of the end of one process, but it's really -- these  
7 issues that I've just touched on could be the beginning of  
8 yet another process that I think is important. And we  
9 would certainly keep it as transparent a process as  
10 possible.

11 So that concludes my presentation. Our  
12 recommendation is that the Board adopt Option 1 and Option  
13 2 and Resolution 2005-116. And I'm happy to answer any  
14 questions and listen to all the comments. So thank you.

15 CHAIRPERSON MARIN: Thank you, Fernando. And I  
16 know you didn't start with so much gray hair. You need  
17 some Tums, too.

18 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
19 I'll go straight to the Mylanta.

20 CHAIRPERSON MARIN: Thank you.

21 We do have quite a few speakers. So if I may,  
22 with the Board's concurrence, I'm going to have to limit  
23 your wonderful input. And, unfortunately, I don't have a  
24 timer here, so --

25 BOARD MEMBER WASHINGTON: I do.

1           CHAIRPERSON MARIN: I would expect all of you --  
2 we probably have heard from most of you. If you would be  
3 very succinct in your comments. You know what is before  
4 you. And I'd really appreciate it. We have about 13 or  
5 14 people speaking on this, so I think everybody in the  
6 audience.

7           So I will call for Scott Smithline from  
8 Californians Against Waste to speak on this item. And we  
9 did receive your letter.

10          MR. SMITHLINE: Thank you very much, Madam Chair.  
11 I'm Scott Smithline with the environmental group  
12 Californians Against Waste. Good afternoon, Board  
13 members.

14          I want to thank you all for the opportunity to  
15 comment on this document once again. This Board is  
16 renowned, really has a reputation for going above and  
17 beyond the call of duty when it comes to the public  
18 process. And I think by bringing this report back and  
19 going the extra mile in this instance, you continue to set  
20 that example. And this stakeholder organization sincerely  
21 appreciates that. So thank you very much.

22          So you received my letter. I'd like to reiterate  
23 we are very pleased to remove our opposition to this  
24 report.

25          BOARD MEMBER WASHINGTON: Thank you, Scott.

1           MR. SMITHLINE: Mr. Washington, I came down here  
2 today just to say that.

3           You know, I think AB 2770, in retrospect, asks  
4 for some very specific and detailed analyses which really  
5 may be more feasible for this Board to do. And hindsight  
6 is 20/20, but that's what we know now. I think the staff  
7 has done an admirable job frankly searching the globe for  
8 data and retrieving what has been available. We look  
9 forward to retrieving more data as the Romoland data comes  
10 in and additional data comes in. We're very interested in  
11 seeing all that data, of course.

12           But I think on a positive note, this report does  
13 really an outstanding job of highlighting the issues  
14 related to conversion technologies and the issues  
15 regarding public health impacts, the issues regarding the  
16 economics of these technologies, and the issues --  
17 basically, all the issues, you know. And as well, the  
18 potential benefits of these technologies. And I think,  
19 because of that, this document will be of significant use  
20 to the Legislature. So I applaud your efforts.

21           And that's all. Thank you very much.

22           CHAIRPERSON MARIN: Thank you very much.

23           The next one is Gerard Kapuscik. And following  
24 will be Alex Helou from the City of L.A.

25           Gerard Kapuscik from the Ventura County

1 Environmental Energy Resources.

2 MR. KAPUSCIK: Thank you, Madam Chair and members  
3 of the Board.

4 I, too, on behalf of the Ventura County Board of  
5 Supervisors wish to thank you for the process, the  
6 transparency, the openness, the engagement, and the  
7 vision, and not the least of which was the courage. I  
8 think you should be nominated for the speak truth to  
9 environmental power award on this issue. It's very  
10 important that we grapple with this issue, as you are.

11 And, you know, the Governor proposes and the  
12 Legislature disposes. So you are constrained by how the  
13 Legislature chooses to interpret the intent of the  
14 legislation, notwithstanding the fact that the practice,  
15 the technology, the vision, the challenge before us really  
16 requires us to go beyond limits, just as we did in  
17 formulating AB 939, and just as you can in identifying  
18 zero waste as a goal.

19 Conversion technology is supported as a concept  
20 by the County Board of Supervisors in Ventura County. In  
21 2001, they adopted a policy platform that directed our  
22 department to try to facilitate its development within  
23 Ventura County to achieve a number of things: Waste  
24 diversion, maximization of the sustainable environmental  
25 use of materials management, and keeping materials out of

1 landfill. That's really what conversion technology  
2 provides you with; a new tool, a new technological prism  
3 to attack that problem.

4           It compliments. You mentioned earlier this  
5 morning about complementariness. It compliments. It  
6 augments. It supplements the promise of AB 939. It does  
7 not compete. It does not contradict. It does not move us  
8 in an opposite direction. It broadens the scope of our  
9 ability to do that. And this is very, very powerful.  
10 Because remember the partnership you have with local  
11 governments. You've established the goal, and you've told  
12 us essentially within the constraints of the guidance of  
13 the hierarchy you have freedom, but you must accountably  
14 meet that.

15           Please do not remove tools from us. Please add  
16 tools. Please incentivize us to do that, especially when  
17 the bar is likely to be raised for whatever reasons and  
18 for whatever numbers.

19           And in that respect, I think that while the  
20 report is an excellent document, it is not what it could  
21 have been, but I understand politics. I understand why it  
22 is where it is, and it is an important starting document.

23           I would say Ventura County is well on its way to  
24 evaluating some of the issues that were identified in  
25 Attachment 2. We are well underway in completing what we



1 are calling a waste stream resources inventory assessment  
2 project, and we are mapping resources that are within  
3 current waste streams, either those that are reported by  
4 DRS or mostly -- this is an important point -- most of the  
5 resources subject to conversion technology are not  
6 required to be reported by DRS. So getting your handle on  
7 that is a very, very important challenge.

8           But we've identified for 2003 almost 425,000 tons  
9 of materials that remain in that fraction that's still  
10 going to landfills in Ventura County. And I know people  
11 have beaten you over the head with your disposal number  
12 today is roughly what it was in 1989. See what a bad job  
13 you're doing. I don't think that's the case at all. I  
14 think that reflects the dynamics, the population, the  
15 complexity of California. And it's a wonderful challenge,  
16 because within that stream, 70 to 80 percent is amenable  
17 to higher and beneficial use of such technologies.

18           I agree with Californians Against Waste in terms  
19 of the concerns they've identified, but I ask them to  
20 remember when they succeed in persuading the Legislature  
21 to enact a bill or persuading you to enact a regulation,  
22 that's perhaps a victory for them and that policy. But  
23 it's only the beginning of the struggle for us in  
24 jurisdictions on the front line. How do we make that  
25 happen?

1           So I'm hoping today that all stakeholders will be  
2 open to this. And Ventura County would like to volunteer  
3 to serve on your working group to deal with specifically  
4 the waste stream inventory issues and the diversion credit  
5 issues as well as others.

6           So thank you very much. And I wish you the  
7 greatest of luck. And I'm willing to enlist in this  
8 fight.

9           CHAIRPERSON MARIN: Thank you.

10          I would very much appreciate for the following  
11 speakers to focus your comments specifically to the report  
12 as being presented right now. We're not going to be  
13 discussing the merits of conversion technologies. We have  
14 to discuss the report as we perceive the request from the  
15 Legislature, because that's the crux of the question here.

16          Alex Helou.

17          MR. HELOU: Good afternoon, Madam Chair and Board  
18 members, Alex Helou, City of Los Angeles, Bureau of  
19 Sanitation.

20          On March 15th, this Board took a bold leadership  
21 step in adopting the Resolution that set the standard not  
22 only for California, but also to lead the rest of the  
23 country. I'm happy to report the City of Los Angeles, a  
24 first phase conversion study by URS has been completed.  
25 And we are right now moving to the second phase. And what

1 concerns us is that if there's not -- this report is not  
2 expeditiously approved and forwarded to the Legislature,  
3 this will be delaying City of Los Angeles as well as other  
4 cities who are moving towards conversion technologies.

5 I have to tell you we were disheartened that over  
6 two years of reports, inputs, as well as technical  
7 information that were provided were removed from this  
8 report. There are several issues that were discussed on  
9 March 2005. And we believe these things should be added  
10 to the report. Example, definitions. Definitions were  
11 corrected to make them scientifically accurate.

12 Two, the life cycle. The life cycle clearly  
13 showed conversion technology is superior to landfilling.  
14 As an engineer for City of Los Angeles, I go out for  
15 neighborhood counsels, and there are two things I keep  
16 hearing on the environmental front from City of  
17 Los Angeles residents. One, they want clean air and clean  
18 fuel, and two, no more landfills. And the conversion  
19 technology provides us that option. If a city has  
20 recycling that achieved 50 percent or more, that city  
21 should be allowed to achieve full diversion through  
22 conversion technologies. And the city should be given  
23 credit for material that's being moved from the landfills.

24 Under emission data, another report said to go  
25 back and do emission data. Any facility that needs to be

1   sited should be able to meet the emission data for that  
2   jurisdiction. The City team has visited European  
3   facilities. All these conversion facilities were able to  
4   meet stringent EU standards and regulations.

5           Market research for the recycling. In the City  
6   of Los Angeles, I manage over 250,000 tons a day -- I'm  
7   sorry -- 250,000 tons a year in recycled material. I can  
8   tell you that the markets shift on a regular basis, on a  
9   weekly and on monthly. And so doing a study right now,  
10  all it's going to do is give you information right now.  
11  It's not going to tell you what's going to happen in the  
12  next two to three years.

13           That's my comment. And hopefully next time you  
14  guys meet down in Southern California, we'd like to host  
15  you in the City of Los Angeles. We have a better Dodgers  
16  team.

17           BOARD MEMBER WASHINGTON: A better Lakers team.

18           CHAIRPERSON MARIN: I love it. We like the  
19  invitation, and I'm sure we'll take that. Thank you very  
20  much.

21           James Stewart from BioEnergy Producers  
22  Association.

23           MR. STEWART: I'm Jim Stewart. I'm Chairman of  
24  the BioEnergy Producers Association. And I would simply  
25  like to thank the members of the Waste Board for the

1 support of conversion technologies which they expressed  
2 through Resolution 778. The need for and the goal of  
3 introducing conversion technologies in the state of  
4 California is far greater and will endure far longer than  
5 any individual report to the Legislature.

6 Conversion technologies address such major issues  
7 as national security; the need for fuel petroleum  
8 independence; the need to find alternatives to siting of  
9 landfills; the need for low-cost energy, both liquid and  
10 electricity to sustain the economy and to serve the people  
11 of California; the need to find alternatives to open field  
12 burning of agricultural waste; and the need to find  
13 alternatives to the land spreading of sewage sludge.  
14 These are major, major issues that are addressed by our  
15 technologies.

16 We are not competitive with the waste streams  
17 that are being utilized by recyclers. In fact, we support  
18 recycling. Thirty-two million tons of post-recycled  
19 organic waste were landfilled in California last year.

20 I represent a company called BRI Energy. With  
21 our technology, those 32 million tons would produce 2  
22 billion gallons of ethynyl and 1,500 megawatts of power  
23 for the state of California. That represents a major  
24 commitment to renewable energy that this Board can play a  
25 substantial role in effecting.

1           We are very, very grateful for the support you  
2 have provided and look forward to working with you in the  
3 days ahead. Thank you.

4           CHAIRPERSON MARIN: Thank you very much.

5           The next one is Coby Skye from the L.A. County  
6 Department of Public Works. You're a familiar face.

7           MR. SKYE: Good afternoon, Madam Chair and  
8 esteemed members of the Integrated Waste Management Board.  
9 I think you all are familiar with the County's position in  
10 support of conversion. And, of course, it's because of  
11 their proven ability to divert waste from disposal and to  
12 productive use while reusing pollution. So I will focus  
13 my comments on the report that's before you.

14           First, I think our perspective regarding the  
15 report that you did adopt in March and our support of that  
16 version was largely because, from a civil engineering  
17 perspective, public works is something that we see as a  
18 constructive utilization of technology to improve the  
19 quality of life of the resident. And we saw the  
20 recommendations that you adopted in Resolution 2005-78 as  
21 a natural outgrowth of the information from the peer  
22 reviewed independent impartial studies conducted by the  
23 Universities of California at Davis and Riverside.

24           So we were somewhat disappointed in the revisions  
25 which removed a lot of that critical information. And the

1 reason is, the report that you're considering is a tool  
2 that decision and policy makers all over California are  
3 going to look to to make their decisions. And it needs to  
4 be a complete report. It needs to have all of that  
5 information.

6           It's important not to look at this issue in  
7 isolation. At the same time that opponents of conversion  
8 are misrepresenting information about conversion, we have  
9 difficulties in implementing any possible solid waste  
10 management option. We don't even consider siting new  
11 landfills or incinerators in urban areas like L.A. or  
12 Orange County. New materials recovery facilities, new  
13 composting facilities, new transfer stations all have  
14 stiff public opposition from the moment they're being  
15 considered. So jurisdictions are facing a very complex  
16 problem. We want to do as much as possible to maintain a  
17 sustainable, renewable solid waste management  
18 infrastructure. But it's getting more and more difficult  
19 to be able to site the facilities that are desperate in  
20 need.

21           In all of the decisions that you make, you have  
22 to balance perspectives from a lot of different  
23 stakeholders. And I do have about 20 or so additional  
24 letters to enter into the record that support basically  
25 what we've been saying all along. Give conversion a fair

1 opportunity. No more opportunity than any other position.  
2 Judge it based on the merits of the environmental impacts  
3 and benefits that have been documented from the data that  
4 we have right now.

5 And because of that, we urge that you would adopt  
6 the information that was originally included in the report  
7 and in Resolution 2004-78 with the concurrent Resolution.  
8 Thank you very much.

9 CHAIRPERSON MARIN: Thank you very much, Mr.  
10 Skye.

11 The next one is Mr. Mike Mohajer. Let me just  
12 tell you, I'm just calling it the way it was presented.  
13 So no preference. There is no preference here, although  
14 we're always happy to see and hear from Mr. Mohajer.

15 MR. MOHAJER: Good afternoon, Madam Chair and  
16 members of the Board. My name is Mike Mohajer, and today  
17 I'm representing the L.A. County Integrated Waste  
18 Management Task Force. You did mention that the Task  
19 Force forwarded a letter dated May 5th. You mentioned you  
20 already have it, so I won't take your time to read it into  
21 the record again.

22 However, there are certain things that have  
23 happened since then when the Board agenda was published  
24 earlier two weeks ago. There was a reference to  
25 specifically -- agenda items referenced options for the



1 Board Option Number 2 was provide a staff direction on  
2 conversion issues/areas recommendation document. And I  
3 was personally checking the Internet on a daily basis to  
4 see what is that recommendation document, and that  
5 recommendation document was never provided and was taken  
6 off. I think it was day before yesterday after 6:00 or  
7 something like that. So if the other side of the fence,  
8 specifically CAW, come and makes an issue that, hey, you  
9 didn't give the public a chance to review, to look at the  
10 revised Resolution 2005-278, give the public the same  
11 chance, I certainly ask your Board to give us the same  
12 opportunity as well.

13 But at the same time, you also consider that the  
14 item that you consider today as reallocating and going  
15 out, you did revise your resolutions. So the claim that  
16 was made by CAW that they have never seen such a thing or  
17 some statement, to me, no opposite to Scott, that's a  
18 bunch of nonsense.

19 I also look at the Attachment Number 2 of the  
20 staff report that says conversion technology issues areas,  
21 and it really doesn't say what is the recommendation, what  
22 is the Board supposed to do with this after somebody like  
23 myself could make comments on it. And I look at -- the  
24 first thing I look at the diversion credit. We came -- at  
25 least when I was working for the County and Waste

1 Management in L.A. County, back in 1999 we worked with  
2 Carl Washington as one of the legislation that we  
3 introduced to promote conversion technology. And at that  
4 time, the same organization opposed the same thing. We  
5 went through the same process as we are going through  
6 today. Let's do more study and more study and more study,  
7 because that is the best way to kill a proposal.

8 As a result of the two legislation that we have,  
9 we came up with AB 2770. And at the same time, there was  
10 a condition, current work like what is proposed right now  
11 in Attachment 2, which was whether or not to allow  
12 diversion credit for conversion technology. So the Waste  
13 Board did form a working group that, as I have mentioned  
14 before, was League of California Cities, CSAC, the L.A.  
15 County, and a whole bunch of other people, including  
16 Californians Against Waste. And we, as a whole, agreed on  
17 25 percent diversion. And CAW stayed with the 10 percent.  
18 Regardless, when it went to the Board, they voted -- Waste  
19 Board approved the 10 percent because that's what CAW  
20 wanted.

21 So when I sit here and listen to the CAW at no  
22 time they have supported diversion credit, their record  
23 speaks for itself. Now the only reason I'm raising this  
24 issue, it wasn't in the document that I could -- we have  
25 the Task Force Letter.

1           So having said that, we have gone through this  
2 process and you being the lead state agency in waste  
3 management issue. Even though AB 2770 has put certain  
4 specific things they wanted to do, I cannot see, being a  
5 technical person, you being lead agency in the state, is  
6 it -- really, what is wrong with saying that we as a Waste  
7 Board, we feel that the definition of, for example,  
8 gasification is wrong, and we are recommending that the  
9 Legislature to consider that.

10           You are part of the administrative branch of our  
11 constitution. You've got administrative and you've got  
12 legislative. And I certainly hope -- I know the issue is  
13 dead. But take some action being the administrative  
14 branch and protect your right to step in what the right  
15 decision is.

16           But should you decide to move forward, I  
17 certainly hope that you would pursue this, at least your  
18 Attachment 2, and be more specific as to what you intend  
19 to do. Because there is no more recommended document that  
20 was your agenda item that you had it on the Board package,  
21 which was deleted day before yesterday. Thank you.

22           CHAIRPERSON MARIN: Thank you, Mr. Mohajer.

23           And there's clearly two different issues that we  
24 need to deal with. And, certainly, the way that the  
25 agenda item is presented, we do need to deal with two

1 different issues. And we'll deal with them when we're  
2 ready to vote on that.

3 Mr. Chuck White from Waste Management.

4 I would really appreciate it if you -- not you  
5 specifically, Mr. White, but everybody else.

6 MR. WHITE: Chuck White, Waste Management. I'm  
7 always brief.

8 We support the report moving forward. We think  
9 it's a good step. Doesn't answer all of the questions for  
10 everybody. But we'd like to continue working with you and  
11 the stakeholders specifically in two areas, two  
12 technologies that Waste Management is looking at. That's  
13 anaerobic digestion, working with Cochella Valley Council  
14 of Governments to put an anaerobic digestion process. We  
15 hope to have engineering plans and specifications within  
16 the next year. We believe this is a form of composting  
17 which is eligible for diversion credit, and which can be  
18 permitted under existing composting framework. We would  
19 urge to continue the discussion and move this forward.

20 The second technology is ethynyl fermentation  
21 with acid hydrolysis pretreatment process. That's a very  
22 promising technology. It's also a biological process. We  
23 actually think it could be interpreted to be a form of  
24 composting, although there hasn't been any decision made  
25 either in this report or anywhere else.

1           We would like to have continued discussions with  
2 you, other stakeholders, the environmental community, Mr.  
3 Smithline, and others to see if this could, in fact, go  
4 forward as a type of composting facility. Or if not, is  
5 there a possibility in the near future we can work out  
6 some kind of agreement that will allow this kind of  
7 technology, biological process akin to composting, which  
8 could go forward and be permitable and also avail itself  
9 of some diversion credit. And we look forward to working  
10 with you as this process moves forward. Thank you.

11           CHAIRPERSON MARIN: Thank you, Mr. White.

12           Next one is Nicole Bernson from Councilman Greg  
13 Smith's office.

14           MS. BERNSON: Board members and Chair Marin,  
15 Nicole Bernson, Senior Policy Advisor for Los Angeles City  
16 Councilman Greg Smith. He would have liked to have been  
17 here himself today, but Council is in session, and he has  
18 commitments this afternoon. But I have a letter I'd like  
19 to read into the record from him.

20           "Dear Chair Marin and Honorable Board  
21 Members, I'm extremely disappointed that lobbying  
22 by special interests has caused the Board to  
23 consider rescinding Resolution 2005-78 on the  
24 conversion technology report to the Legislature.  
25 It is my sincere hope that this Board will

1 endeavor to send the original report and  
2 Resolution to the Legislature under separate  
3 cover, if necessary.

4 "As I have indicated to you previously, I  
5 applaud the way that your Board took positive  
6 action for securing California's renewable energy  
7 goals by creating a pathway by which the maximum  
8 amount of previously disposed and therefore  
9 wasted items could be returned to beneficial use.

10 "My thanks again for exercising the fortitude  
11 necessary to preserve our precious resources,  
12 increase our recycling and recovery efforts, and  
13 explore conversion technologies as an option for  
14 creating clean, renewable energy to meet  
15 California's growing needs, while reducing  
16 pollution and dependency on fossil fuel. Please  
17 do not let special interests and short-sighted  
18 politicians stymie your initiative. Millions of  
19 residents of Los Angeles who would like cleaner  
20 air and fuel choices and reduced dependency on  
21 landfills are counting on your ongoing  
22 leadership.

23 "Sincerely, Greg Smith."

24 CHAIRPERSON MARIN: Thank you very, very much.  
25 And give our best to the Councilmember.

1           The next person is Mr. Evan Edgar from CRRRC

2           MR. EDGAR: Chair and Board members, my name is  
3 Evan Edgar. I'm the Engineer for the California Refuse  
4 Removal Council.

5           We support the report as a good baseline for  
6 benchmark technology. And part of it is that we feel it  
7 compliments the AB 939 system that does compete with it in  
8 that we can co-locate facilities at our current facility.  
9 And we support that concept, and as well as having the  
10 pre-processing aspects that are in the report of the MRF  
11 first policy going forth. That's how we can complement  
12 our existing system. We would like to volunteer for any  
13 working group to move this technology forward. Thank you.

14          CHAIRPERSON MARIN: Thank you so very much. To  
15 the point.

16          Ms. Anne Ziliak, Mothers Against the Dump.

17          MS. ZILIAK: Hi. Thank you for letting us be  
18 here today and having a hearing here so close to us that  
19 we're able to really come. We like to be able to  
20 participate.

21          I just wanted to say I'm just really glad that  
22 it's come to this kind of process now we're considering  
23 this at all. We would, however, like to say that the  
24 original report that included all the data is probably the  
25 best resource the Legislature can have, irregardless of

1 whether they think that should be the way it is. I think  
2 they would benefit by having information of the hard work  
3 people have done on this process. And we are glad that is  
4 happening, and we encourage you to -- if you're not going  
5 to adopt the original report, that you adopt one that  
6 sends the attachments to it that are pertinent to this and  
7 to help the Legislature, because we feel that this body is  
8 probably the best source of information they have on this  
9 topic and they should use that. Thank you.

10 CHAIRPERSON MARIN: Thank you very, very much for  
11 being here. And you're one of the reasons why we go  
12 around the state. And we will go, because, otherwise, we  
13 would not be -- I shouldn't say you, but people like you  
14 that are unable to go to Sacramento. We can go to their  
15 place, and it's a lot easier for you guys to attend.

16 The next person is Wayde Hunter from the North  
17 Valley Coalition. We have three more after you.

18 MR. HUNTER: Thank you, Madam Chair and members  
19 of the Board. My name is Wayde Hunter. I'm the President  
20 of the North Valley Coalition.

21 Again, I'd like to echo the previous speakers. I  
22 will keep my comments short. You know, the Board spent  
23 one-and-a-half million dollars on a study, and then to  
24 have your recommendations to the Legislature removed, it  
25 sort of, you know, left us with a real cold feeling. What



1 is the purpose of the Board? I mean, you guys have the  
2 staff and the expertise to give, you know, the proper  
3 guidance to our Legislators. And if not you, then who?

4           So as it was originally done, we supported the  
5 version that was adopted in March, 2005-78. We would have  
6 liked to have seen that gone through. But now we  
7 understand that, you know, you can't do it. There's been  
8 so much pressure upon your Board, which I think is  
9 unfortunate. I understand in Attachment 2 is a way that  
10 you could get that information to them. And, obviously,  
11 we would support that.

12           But we would ask -- we didn't get to see it as  
13 the public to actually see what was on this Attachment 2.  
14 I don't know where you had it, but we certainly didn't get  
15 it distributed to us. So I would ask at least maybe you  
16 keep the record open so that we might have an opportunity  
17 to at least comment on this. As Mr. Mohajer pointed out,  
18 there was some deficiencies in what he saw in the  
19 presentation we'd also like to comment on.

20           Thank you very much.

21           CHAIRPERSON MARIN: No. Thank you, Mr. Hunter.  
22 We really appreciate your being here.

23           The next one is Greg Shiply from Waste to Energy,  
24 all the way from Paso Robles.

25           MR. SHIPLY: God's country. Greg Shiply with

1 Waste to Energy, acid hydrolysis system to convert solid  
2 waste into ethynyl.

3 First of all, I'd like to say during these whole  
4 proceedings, I was very impressed with the way that the  
5 Board is holding stakeholders' feet to the fire and  
6 demanding accountability and responsibility. I appreciate  
7 that. To me, it seems like you're squeezing every single  
8 bit of recycling out of the resources that you have, and I  
9 appreciate that, given what AB 939 has given you.

10 And really that's the failure of AB 939 is that  
11 it's a good piece of legislation, but it failed to show or  
12 leave open any technologies or innovations in the future.  
13 And even AB 2770 in 2002 could not have anticipated even  
14 the advances made in conversion technologies since 2002.

15 So with that said, I would like to urge the Board  
16 to retake the initiative. Show the vision that you  
17 displayed in March of 2005, and please provide the  
18 Legislature with information that can aid our law makers  
19 in making a decision. AB 1090 is before the Assembly  
20 right now. And, consequently, it is authored by Barbara  
21 Matthews, the same person who did AB 2770. And,  
22 consequently, it incorporates just about everything that  
23 your original 2005-78 Resolution incorporated.

24 I don't think that the Legislature is served well  
25 by eliminating valuable information they could make a good

1 decision on. And I implore you to please make the vision  
2 that you had in March available to the Legislature so they  
3 can go on with their business and do the business of the  
4 people. Thank you.

5 CHAIRPERSON MARIN: Thank you, Mr. Shiply.

6 The next one is Charles Toca from the Utilities,  
7 Savings and Refund LLC and BioEnergy Producers  
8 Association.

9 MR. TOCA: Thank you, Chairperson Marin and  
10 members of the Board.

11 I appreciate being able to speak. My name is  
12 Charles Toca. My company is Utilities, Savings and  
13 Refund. I'm in the energy business. I'm not in the waste  
14 business. I've had to learn a lot about what you folks  
15 deal with the last year and a half as I've studied this  
16 whole issue. I appreciate this. I'm also not a political  
17 person, so I learned a lot of appreciation for that side  
18 of this whole process as well.

19 I rise in support of the original report and the  
20 original Resolution from the energy side of things. My  
21 business is helping smaller companies control their energy  
22 costs. In my business, natural gas costs have risen three  
23 times over the last five years. We had the highest rates  
24 in the country. If you go buy gasoline like I do, you  
25 know what the price of gasoline is right now. So we're

1 being killed on our energy costs.

2 I service companies through a not for profit  
3 cooperative. I represent a natural gas not for profit  
4 cooperative in Arizona. I was on the Board of a not for  
5 profit during the energy crisis. Many of my customers are  
6 kind of at the mercy of what we all do here to effect  
7 their costs. Some of my customers are out of business.

8 So when I saw an opportunity or learned about the  
9 opportunity for conversion technology to make energy out  
10 of waste going to landfills, I was pretty excited about  
11 it. It's renewable energy. It's carbon neutral, and it  
12 seemed to make a lot of sense.

13 Everything I've seen today seems to tell me that  
14 this Board is a can-do Board, not a delay, delay Board.  
15 We need help now in this whole energy area. I support all  
16 the comments that were made back here that you folks do  
17 what you can to be an advocates for technology that makes  
18 so much sense. We don't need to keep putting energy into  
19 a hole in the ground. We need to take whatever advantage  
20 we can of waste and put it to good use here in California.  
21 Thank you.

22 CHAIRPERSON MARIN: Thank you very, very much.

23 And the last, but not least, Mr. Chuck Tobin from  
24 Burrtec Waste Industry.

25 MR. TOBIN: Thank you, Madam Chair and members of

1 the Board.

2 Three quick comments, and they may be follow-up  
3 to whatever you do today, or they may actually be just  
4 taking the report and looking at some issues in greater  
5 depth.

6 The first one we want to bring to your attention  
7 is this idea of MRF first. We think you need to do some  
8 more work on that to consider what does that really mean.  
9 When you look at the amount of waste which is actually  
10 processed, it's not very much. We built very big  
11 facilities that are very expensive.

12 But I'm here to tell you that even when you look  
13 at the commercial stream and we are now trying to very  
14 much get into commercial stream processing, an entire  
15 shift is only 100 tons. So you can run that line, that  
16 shift, that plant for three shifts, and it's still only  
17 300 tons. That's not very much. But we think the MRF  
18 first idea, whether it's co-siting or whether it's  
19 expanding it to a broader arena, is something that you  
20 need to take a further look at. We think the  
21 environmental community will be supportive of that. And  
22 it will help them to adjust to the other side of this, if  
23 that's what CT is. It's the other side.

24 But when you do that, we think two other things  
25 will show up right away. The first is the permit system.

1 I have a little gray hair, too. I've been in the business  
2 for 20 years, and I've sited facilities all through that  
3 period of time. Worked for a County Board of Supervisors  
4 ten years prior to that in land use planning. It's so  
5 much harder today than it's ever been. And it's getting  
6 harder every day. We have new actors in the field. South  
7 Coast is now proposing a major initiative that's somewhat  
8 of a benign topic of developing a roll-around with respect  
9 to our facilities. But it will quickly accelerate into  
10 other areas. And, basically, you can't really regulate  
11 odor without regulating how the building is put together,  
12 all the operations, things like that. I mean, in essence,  
13 they may become a second major permit along with your  
14 facility permit.

15           The other thing that pops up is that we get  
16 somewhat uneven application of some of the things you've  
17 already approved. And ADC is a good example of that.  
18 Yesterday a number of us were up north. When you talk to  
19 some of the other people from the other jurisdictions,  
20 what you see is what they can do in terms of ADC is  
21 different from jurisdiction to jurisdiction. And you may  
22 get that similar kind of phenomena here where you get, I  
23 think, the idea of a thousand approaches is actually  
24 correct when you talk about the number of jurisdictions  
25 and the multiple pathways and that sort of thing.

1           But within that, there's still this question of  
2 if I can do it here, can't we do it there? And trying to  
3 sort some of that out. We still see in some of these  
4 fields you do have somewhat of an uneven application. So  
5 that's another issue. So thank you very much.

6           CHAIRPERSON MARIN: No. Thank you, Mr. Tobin.

7           I have to do this. Is there anybody else that  
8 wishes to address this Board on this Resolution?

9           Okay. Board members, we have a couple of things  
10 before us. Let me deal with the very first one, which is  
11 the report as revised. And the reason why it came back to  
12 us is because we were -- what we understood the  
13 Legislature wanted was only what was requested on the  
14 original legislation, and nothing more. So a lot of  
15 questions. When we were given this money and we set out  
16 to fulfill these requirements of the legislation, we found  
17 out a lot of other stuff. And it's our understanding that  
18 the Legislature did not want to know all that we found.  
19 So, therefore, our obligation to the Legislature is to  
20 only fulfill the requirement set in the legislation.

21           This report, Fernando, does that to the best of  
22 its ability, because there were certain things that we  
23 just couldn't find. There's no data available and so  
24 forth. But as far as I understand, to the very best of  
25 our ability, the report as it's presented answers

1 specifically and certainly to the best of our ability what  
2 the legislation required.

3 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
4 That's correct.

5 CHAIRPERSON MARIN: So given that, and that's  
6 just like the first step, is there a motion to submit  
7 through our process to the Legislature the report as  
8 presented on Resolution 2005-114?

9 BOARD MEMBER MULÉ: Motion to approve Resolution  
10 2005-114.

11 BOARD MEMBER WASHINGTON: Second.

12 CHAIRPERSON MARIN: Six. Thank you.

13 Moved by Ms. Mulé and seconded by Mr. Washington.

14 Call the roll, please.

15 EXECUTIVE ASSISTANT JIMENEZ: Peace?

16 BOARD MEMBER PEACE: I would like an aye.

17 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

18 BOARD MEMBER MULÉ: Aye.

19 EXECUTIVE ASSISTANT JIMENEZ: Washington?

20 BOARD MEMBER WASHINGTON: Aye.

21 EXECUTIVE ASSISTANT JIMENEZ: Marin?

22 CHAIRPERSON MARIN: Aye.

23 Okay. Second question, there was this other  
24 information that we found out. One, even if we were to  
25 send it along, separate, or whatever, there is also a



1 process that we cannot just send it directly to the  
2 Legislature. So it needs to go through our process. The  
3 report as it is right now needs to be peer reviewed. And  
4 when that is done, then the process continues; correct? I  
5 just want to make sure that happens.

6           So then the question before us is, what do we do  
7 with that extra information that we found out that some  
8 Legislators could not care to find out, that it's not  
9 required for us to submit, but some Legislators may  
10 actually find it of importance? What do we do with that?

11           And, furthermore, is a report or attachment the  
12 best way to submit that versus -- because we know that  
13 there's this thing that we need to really discuss. We  
14 know there are going to be hearings very, very, very soon  
15 that the Legislature will be holding regarding conversion  
16 technologies. So what we already have found out, that  
17 which is already in the report, there is nothing that  
18 precludes us -- if asked by the Legislature what did we  
19 find out that was not submitted to the Legislature,  
20 nothing will preclude us from letting them know what  
21 everybody now knows, some of these issues.

22           So the question for us is, do we need to come up  
23 with a document? Because this is going to take place I  
24 think in the next couple of months. And if we create this  
25 document and it goes through our process, then all of that

1 will be ready.

2 This is for discussion. I need to know what  
3 everybody feels about this. Anybody?

4 Ms. Mulé -- Ms. Peace.

5 BOARD MEMBER PEACE: Well, first, I'd just like  
6 to say as an independent Board, and apparently not as  
7 independent as we thought we were, I hated to pull back  
8 the conversion technology report for reconsideration in  
9 the first place. I didn't like that we were asked to  
10 remove our recommendations. The unrealistic and confusing  
11 definitions California set forth in statute as it relates  
12 to conversion technology is a major barrier to  
13 development, and the Legislature does need to address  
14 those issues.

15 If the conversion technologies being tested today  
16 don't meet acceptable air emissions levels, we must  
17 encourage further development of them to improve them  
18 until they do or encourage the development of conversion  
19 technologies not yet being imagined.

20 So we have to believe we can come up with a  
21 better way to deal with the millions and millions of tons  
22 of garbage produced in the state other than putting it  
23 into a hole in the ground where it causes a whole list of  
24 environmental problems, from potential water  
25 contamination, to gas being released into the atmosphere.

1           And like was mentioned today, what if converting  
2   our garbage to energy and fuel could get us off our  
3   dependence on foreign oil, while at the same time  
4   extending the life of our landfills? We need to take down  
5   the barriers. We need to look to innovation. California  
6   does need to be a leader in conversion technologies.

7           I think it's going to be important that all of us  
8   work with the Legislature in the upcoming conversion  
9   technology hearing to help take down the barriers to  
10   conversion technology development by providing the  
11   Legislature with practical recommendations that will help  
12   stimulate the development of conversion technologies, such  
13   as properly combining these technologies based on the  
14   science that the rest of world uses and dealing with the  
15   diversion credit issue.

16           So I would like to propose that we do provide a  
17   document with our recommendations that we present to the  
18   appropriate Legislative Committee prior to the hearings on  
19   the conversion technology this fall.

20           CHAIRPERSON MARIN: Thank you, Ms. Peace.

21           Let me just state one thing, because nothing  
22   precludes companies, as I understand it, from being sited  
23   whether there is legislation or not. My understanding is  
24   there are these companies, brand-new or not fully  
25   operational, Romoland, and other activities already taking

1 place with conversion technology. That has not been  
2 stopped because there is no report or because there is no  
3 legislation and so forth.

4 I believe that that will continue to happen. I  
5 believe that the innovation and certainly the marketplace  
6 will necessitate that more of those projects, more of  
7 those efforts continue. Whether we have this report or  
8 not, it has not precluded and will not preclude facilities  
9 from being sited. That it would be easier that we have  
10 this report that is possible.

11 But, you know, Californians and innovators, they  
12 will continue to do this. Maybe it would be easier if  
13 they have some of this with them. But they will continue,  
14 and I think that nothing stops them. It hasn't stopped  
15 them yet. And I don't think it will stop them.

16 Having said that, how will we proceed? I know  
17 Ms. Mulé wants to say something. I know Mr. Washington  
18 wants to say something else.

19 BOARD MEMBER WASHINGTON: If I can offer, coming  
20 from the Legislature, I think it would be prudent if we  
21 would have that document available. I can assure you when  
22 the hearings start, you're going to get many requests for  
23 it.

24 But we do not want to be perceived as doing  
25 something they asked us not to do. And we can pull the

1 document back, and then go say, here's the Resolution.  
2 Here's some more information. You don't want to do that.  
3 And so I would suggest that you have that document  
4 available at the request of the Legislators when they hold  
5 their hearings.

6 BOARD MEMBER PEACE: And they will request it.  
7 That's why I put we do provide the document.

8 CHAIRPERSON MARIN: You're brilliant, Mr.  
9 Washington. How come I didn't think about that?

10 BOARD MEMBER WASHINGTON: I used to dupe people  
11 like that.

12 CHAIRPERSON MARIN: I really like that. So it  
13 will be available, but we don't have to submit it unless  
14 some individual requests it.

15 BOARD MEMBER PEACE: When they start doing the  
16 internal hearing, someone will request it. So we have it  
17 ready to present to the appropriate legislative committee  
18 when they ask for it, and they will.

19 BOARD MEMBER WASHINGTON: Oh, yeah.

20 CHAIRPERSON MARIN: I believe that that is a very  
21 fair way. I mean, the information is already there. It's  
22 not like we're going to be spending an inordinate amount  
23 of resources and so forth. It's already there. So it's  
24 just separate for those Legislators that do want it. Here  
25 are our recommendations. If Legislators don't want it,

1 they don't get it.

2 Ms. Mulé.

3 BOARD MEMBER MULÉ: Thank you, Madam Chair.

4 I'm looking at Fernando here. We're not trying  
5 to create more work for you, but I think that's an  
6 excellent recommendation from Mr. Washington. And I think  
7 really you have the information available. And it is in  
8 the first version of the report. And, basically, it's  
9 taking that information and just, you know, formatting it  
10 in such a way that you have it by topic area. It's not a  
11 lot of work. I don't want you to think it is, because  
12 it's not. And the information is there. And I think that  
13 we should let the Legislature know that we do have the  
14 information available if they so wish to have it. But I  
15 don't think that it's a good idea that we just send it to  
16 them unsolicited.

17 CHAIRPERSON MARIN: I'm so glad you were on the  
18 Legislature. You think like them.

19 BOARD MEMBER WASHINGTON: Hey, watch it.

20 CHAIRPERSON MARIN: Somebody is making faces at  
21 you.

22 Is there any further discussion on this item?

23 Do you need any further direction, Fernando?

24 Okay. I know somebody else was raising their  
25 hand. Be careful with what you ask.

1           MR. TOBIN: I just want to ask a question. Will  
2 the Board -- in this piece of documentation that will be  
3 available, will the Board's recommendations be included in  
4 there?

5           CHAIRPERSON MARIN: Everything will be included.  
6 It's only available for those Legislators that would  
7 request it. Excellent.

8           Do we need a motion for that? No. I think  
9 that's already available. Okay.

10          MS. BERNSON: Will that report be posted on the  
11 website and available for the public who may want to see  
12 it or anybody else?

13          CHAIRPERSON MARIN: But it would be upon the  
14 request of the Legislature. So when the first Legislator  
15 requires it.

16          MS. BERNSON: Then it would be put on the  
17 website, but not until then?

18          CHAIRPERSON MARIN: Right. Mind you, that all of  
19 that information is already out there.

20          Okay. Mr. Leary, is it going to be very long or  
21 very short?

22          EXECUTIVE DIRECTOR LEARY: Madam Chair, it's all  
23 up to you and Board members. I will make this very brief.

24          Agenda Item 24 is Consideration of Allocation of  
25 Fiscal Year 2004-05 Integrated Waste Management Account

1 Funds for the purposes of the implementation of the action  
2 plan for highest priority activities as we defined last  
3 month in our presentation on the action plans.

4           Also before you for your consideration is about  
5 \$900,000 of contract allocations to do series of high  
6 priority activities or contracts associated with the four  
7 action plans in front of you last month, one of them being  
8 green procurement; second being market assessment; and the  
9 third being technology assessment; and the fourth being  
10 disposal reporting systems.

11           What you have in the item is really the gist of  
12 what you need to consider. I don't have a lot to offer  
13 verbally that would enhance what's been provided there in  
14 the item. So I'll refrain from going through them  
15 individually in the interest of time. And I'll offer you  
16 any responses to questions you might have.

17           I will, however, identify a relatively novel  
18 concept in Agenda Item 24 and that has to do --

19           CHAIRPERSON MARIN: Hold on. I would very much  
20 appreciate if people converse outside. Thank you.

21           EXECUTIVE DIRECTOR LEARY: I just wanted to  
22 highlight very briefly consistent with the Administration  
23 and Secretary Lloyd's initiative in the hydrogen area, I'm  
24 very pleased to offer to you for your consideration a  
25 scoping study that will look at the possibility of



1 converging landfill gas to hydrogen as a development of  
2 alternative fuel so that the Waste Board can also play a  
3 role in a very high priority activity of developing  
4 alternative fuels and the hydrogen highway. Not only will  
5 the hydrogen highway be paved by RAC, it will be fueled by  
6 landfill gas.

7 CHAIRPERSON MARIN: That's great.

8 EXECUTIVE DIRECTOR LEARY: I offer that maybe  
9 we'll get there. But, anyway, this is a first step, and  
10 I'm positive about it. I hope you will be, too.

11 Any questions?

12 CHAIRPERSON MARIN: We do have a couple of  
13 questions. First, Ms. Mulé, and then Ms. Peace.

14 BOARD MEMBER MULÉ: Thank you, Madam Chair.

15 Thank you, Mark. I was really pleased to see  
16 this item written in the spirit of priorities. Thank you  
17 very much.

18 I do, though, have a correction to make on  
19 Priority 4. I know that when we met in our off site, we  
20 didn't really phrase Priority 4 as diversion reporting  
21 system. It was more the larger picture of AB 939  
22 compliance, because it's so much more than just diversion  
23 reporting. We talked about our technical assistance to  
24 jurisdictions. We talked about training and tools for our  
25 staff. And we talked a lot about the 50 percent. Maybe

1 if we could just correct that as a priority and make sure  
2 that we, you know, include the bigger picture of AB 939  
3 compliance.

4 With that being said, though, I'm really pleased  
5 to see these projects that have been listed, the anaerobic  
6 digestion, technology evaluation. Very important. It  
7 ties in nicely into our whole idea of waste  
8 characterization study and utilizing or the organic  
9 portion of the waste stream that continues to go to the  
10 landfill and diverting it for beneficial use.

11 The market assessment scoping, very, very  
12 important. And, again, I'm pleased to see that we are  
13 going to engage our staff and our process in that process,  
14 because it will allow them to have a better understanding  
15 of the jurisdictions that they serve and the waste  
16 characteristics of those communities. So thank you.

17 And the production of hydrogen from landfill gas  
18 and what, again, focuses on innovative uses of a material  
19 that otherwise would have been burned off into the  
20 atmosphere.

21 So I was really pleased to see the thought that  
22 went into this. And I just want to commend you, Mark, and  
23 staff on these project concepts. Thank you.

24 CHAIRPERSON MARIN: Thank you, Ms. Mulé.

25 Ms. Peace.

1           BOARD MEMBER PEACE: I guess I had a question on  
2 the hydrogen from landfill gas project. Even if we find  
3 out we can do this, how much landfill gas is there? Right  
4 now you can take landfill gas and tie it into a system and  
5 we can convert it into electricity, but there aren't that  
6 many landfills that do it, because it's not economical to  
7 do.

8           BOARD MEMBER MULÉ: There are a lot of landfills  
9 that are doing it.

10          BOARD MEMBER PEACE: There are not a lot.

11          How much gas is there? Is there enough to power  
12 all the cars? Is there enough to power a thousand? Do  
13 you have any idea?

14          EXECUTIVE DIRECTOR LEARY: I think, Board Member  
15 Peace, I think much of what this is about is the scoping  
16 of those and trying to answer those kind of questions.

17          This I anticipate to be a very preliminary study.  
18 But I have had some conversations with some very large  
19 landfill operators who are remotely familiar with the  
20 opportunities, see it as something on the horizon. But  
21 most importantly, we had 13 good conversations with those  
22 folks lining up to make hydrogen. Of course, hydrogen is  
23 most prevalent in making natural gas. And gas prices have  
24 risen to such a level that production of hydrogen maybe as  
25 cheap as the equivalent of \$2 for gas. \$2 a gallon would

1 be the equivalent of hydrogen produced from landfill gas  
2 at that cheaper rate.

3           And there's a tremendous amount of landfill gas  
4 out there. As Board Member Mulé said, a lot of it's being  
5 made into electricity. Other opportunities, liquid  
6 natural gas, fuel trucks, and also another opportunities,  
7 much like waste being separated into all kinds of  
8 alternative outcomes or alternative uses in that kind of  
9 mainstream. So, too, can landfill gas be used to fuel a  
10 number of different alternatives.

11           So this isn't in any way meant to detract from  
12 other uses of landfill gas. I think there's such a large  
13 amount of landfill gas that it's potentially a good source  
14 of hydrogen and also a good source of power for  
15 electricity. It is also a good source for liquid natural  
16 gas and fuel other kind of vehicles. It's, again, in the  
17 interest of diversifying our fuel sources. This is just  
18 the Board's effort to support the analysis and getting the  
19 scoping in this kind of effort.

20           CHAIRPERSON MARIN: Any further questions?

21           Mr. Washington? No.

22           Thank you, Mark. You know, I'm sure your job is  
23 a little bit easier since the direction of the Board.  
24 This item, each and every single one of them, follows the  
25 direction that the Board has given.

1 EXECUTIVE DIRECTOR LEARY: If I might just close  
2 with a couple of comments. One, we've heard you loud and  
3 clear about the timing of these kinds of items. As you  
4 know, we were kind of waiting for the action plans to be  
5 developed before we offer to you. Next year, obviously  
6 this will come much earlier in the fiscal year, and there  
7 will be an opportunity to do this a little differently, a  
8 little more well thought out.

9 Secondly, I'd just like to close by thanking Tom  
10 Estes for working together with me and working with all of  
11 Exec staff.

12 CHAIRPERSON MARIN: Let me ask you this.  
13 Traditionally, when would this have come before the Board?

14 EXECUTIVE DIRECTOR LEARY: Well, IWMA works a  
15 little bit different than the Oil Fund and the Tire Fund.  
16 Way back when, when we were more flush with IWMA and  
17 hadn't gone through the various reductions over the last  
18 several years the IWMB has gone through, we would bring an  
19 item early in the year. To initiate a process, we develop  
20 a multitude of contract concepts and brought those  
21 concepts before the Board. The Board would bless various  
22 concepts for further development into contract  
23 allocations. And it was a fairly staff-intensive,  
24 labor-intensive, time-intensive process.

25 I think we, as Exec staff, clearly can reflect

1 the priorities you set for the organization and bring back  
2 to you targeted contract allocations that fit with the  
3 priorities that you set for us. And I think we can  
4 streamline that process, but start it earlier in the year  
5 next year.

6 CHAIRPERSON MARIN: I think having gone through  
7 this process, I think it has really provided -- at least I  
8 know from Ms. Mulé and myself -- the opportunity to direct  
9 next year's efforts far more focused much earlier with  
10 ample opportunity for more participation.

11 And each experience is a learning experience.  
12 Hopefully, we learned a lot. But I'm actually very, very  
13 happy and satisfied going through all of the kinks of this  
14 process. I think we came to very agreeable Resolutions,  
15 and I like that.

16 Before we close, I want everybody to wish my  
17 personal staff a nice goodbye. This is her last meeting  
18 with us. Toni is going to become an entrepreneur, and she  
19 has decided to become a publisher for a Latina magazine.  
20 And we want to wish her our very, very best. We thank her  
21 for everything she has done. She's been with us almost a  
22 year. And she's done a fabulous job for me and for the  
23 Board. And we want to let her know we will miss her a  
24 lot, and we wish her all the best. And Godspeed.

25 (Applause)

1           CHAIRPERSON MARIN: I know we're going to be  
2 losing another person, and the same thing. This is her  
3 last Board meeting. This Board could not have functioned  
4 without her diligence and thoughtfulness and commitment  
5 and level of detail. We can go on and on and on. And for  
6 the record, it will be forever in the history that Debbie  
7 did a fabulous job. She's going to school. We wish her  
8 well.

9           And by the same token, we welcome Sue. Sue is  
10 going to follow big shoes. We think she's going to do a  
11 fabulous, fabulous job. And we're very, very happy that  
12 you decided to take the position. We know that Debbie is  
13 going to leave it in good hands.

14           But, Debbie, you will be sorely missed. And I  
15 know Sue will welcome the challenge. And we welcome the  
16 opportunity to work with you.

17           (Applause)

18           BOARD MEMBER MULÉ: I would just like to move  
19 Resolution 2005-131.

20           CHAIRPERSON MARIN: Oh, minor thing.

21           BOARD MEMBER MULÉ: We have to make it official.

22           CHAIRPERSON MARIN: Oh, we have to make it  
23 official. It's been moved. Is there a second?

24           BOARD MEMBER WASHINGTON: Second.

25           CHAIRPERSON MARIN: Mr. Washington seconded.

1           Call the roll, please.

2           EXECUTIVE ASSISTANT JIMENEZ:   Peace?

3           BOARD MEMBER PEACE:   No.

4           EXECUTIVE ASSISTANT JIMENEZ:   Mulé?

5           BOARD MEMBER MULÉ:   Aye.

6           EXECUTIVE ASSISTANT JIMENEZ:   Washington?

7           BOARD MEMBER WASHINGTON:   Aye.

8           EXECUTIVE ASSISTANT JIMENEZ:   Marin?

9           CHAIRPERSON MARIN:   No.

10          BOARD MEMBER PEACE:   Well, I just got this thing

11 not too long ago.   It's 1.2 -- how much is this?

12          EXECUTIVE DIRECTOR LEARY:   \$900,000.

13          BOARD MEMBER PEACE:   We didn't even do any

14 discussion on this.

15          BOARD MEMBER MULÉ:   I thought we did.

16          BOARD MEMBER PEACE:   When?   Was I here?

17          CHAIRPERSON MARIN:   Right now.   Let's see.

18          BOARD MEMBER PEACE:   To me, for \$1.2 million,

19 these weren't really explained to me to vote on this.

20          CHAIRPERSON MARIN:   Okay.   Would you like to go

21 one by one?

22          BOARD MEMBER PEACE:   Yeah.

23          CHAIRPERSON MARIN:   Okay.   Let's see.   Let's go

24 one by one.

25          Mr. Leary, would you please go over -- do you



1 need an explanation on each one or any particular one that  
2 you have concerns over? That will probably be --

3 BOARD MEMBER PEACE: You're talking about this  
4 much money, we haven't said yea or nay or any of this  
5 stuff. \$1.2 million, I think we need to go over them one  
6 by one.

7 CHAIRPERSON MARIN: Okay. Let's go over them one  
8 by one. Let's see.

9 The Development of Compost Classification System,  
10 Compost Applications Best Practices Manual, and Caltrans  
11 Compost Specifications, you would like to know what about  
12 it?

13 BOARD MEMBER PEACE: Explain a little bit about  
14 the project, why we need it.

15 EXECUTIVE DIRECTOR LEARY: This is our effort in  
16 the interest of doing more business with Caltrans,  
17 particularly in the area of their purchasing of compost.  
18 They also always held out they need specifications. So  
19 the primary effort here is to work with the U.C. Riverside  
20 who had established expertise and standardized compost  
21 practices and work with them with Caltrans to develop the  
22 specifications so Caltrans can build them into the spec  
23 book and make the purchases of compost that we'd like to  
24 see them make.

25 Caltrans has indicated in the past their interest

1 in working with us in this regard, and this is a follow  
2 along from our Green Procurement Action Plan that we  
3 released last month to foster more green procurement in  
4 other state agencies, with Caltrans being one of our  
5 highest priorities.

6           The one line there, "This project will provide a  
7 key component of the "'Toolbox,'" we talked about will  
8 provide other state agencies and local governments with  
9 the specs and the details that they need to enhance their  
10 green procurement capability. And this is to accomplish  
11 that.

12           BOARD MEMBER PEACE: Okay.

13           CHAIRPERSON MARIN: Okay. Next item, the  
14 Anaerobic Digestion Technology Evaluation.

15           EXECUTIVE DIRECTOR LEARY: In the spirit of  
16 enhancing the Board's participation and advancing the  
17 technology of solid waste management, we've become aware  
18 of the vast interest in anaerobic digestion in particular  
19 and the fact the University of California Davis has  
20 developed a new type of phased solid anaerobic digestion  
21 that we think in the spirit of our regulatory role we  
22 ought to have a better understanding of, and we want to  
23 work with them to develop that better understanding and --

24           BOARD MEMBER PEACE: There's part of the project  
25 they're already getting \$4 million project. U.C. Davis

1 and the CEC isn't going to be doing these testing like  
2 this anyway?

3 EXECUTIVE DIRECTOR LEARY: This is more the  
4 environmental evaluation, and it's using that  
5 applicability to MRF derived feedstocks. So their  
6 anaerobic digestion could apply to a number of other waste  
7 streams. Our focus here is to get them to focus on our  
8 feedstocks in an effort to advance the application of  
9 anaerobic digestion technology to the waste derived  
10 feedstock.

11 BOARD MEMBER PEACE: Okay.

12 CHAIRPERSON MARIN: Three.

13 BOARD MEMBER PEACE: Three is okay. Four.

14 EXECUTIVE DIRECTOR LEARY: Four is the -- I mean,  
15 I can get into that in a little more detail. This is far  
16 reaching. I'll admit, there's not a lot of substance  
17 here. We've had some strong interest from the Secretary's  
18 Office and strong interest from a particular member of  
19 constituent group, both landfill operators as well as  
20 hydrogen people. We though in the interest of  
21 accelerating the process into the fiscal year, we'd do a  
22 deal with Caltrans and the L.A. SAN District to advance  
23 this science, at least scope it out, so in coming years we  
24 can develop it further, if it merits further  
25 development --

1           BOARD MEMBER PEACE: The landfill operators would  
2 be profiting from this if they did sell their gas. Are  
3 they going to be paying money into this project?

4           EXECUTIVE DIRECTOR LEARY: We're so far from  
5 that. I mean, this is just a preliminary scoping to see  
6 if the technology is technically feasible. There are  
7 folks that believe that burning landfill gas in hydrogen  
8 can be done on a cost effective basis. This is our  
9 opportunity to fund that analysis and let them contribute  
10 to them proving that it works or not.

11           We can develop -- I mean, if you're really  
12 uncomfortable with this, we can pass on it this year, and  
13 I'll develop it further and bring it back the first of  
14 next year. But I think there's an opportunity to get  
15 things rolling right away, and we have the money to do it.

16           BOARD MEMBER PEACE: If we don't encumber all the  
17 money right now by the end of --

18           EXECUTIVE DIRECTOR LEARY: It reverts back into  
19 the fund.

20           BOARD MEMBER PEACE: So we have it to use next  
21 year.

22           EXECUTIVE DIRECTOR LEARY: Well, we have next  
23 year's expenditure authority to use. We have to expand  
24 next year's authority. We have to do a budget change  
25 proposal.

1           And the remaining two items are continuations of  
2 efforts currently ongoing at the Waste Board dealing with  
3 the AQMD rules on the air emissions from compost  
4 facilities in the first one. And the second one is  
5 advancing the study of plastics, recognizing that is  
6 somewhat hopeful that one of the futures of plastics is  
7 that it becomes compostable so we can fit it into that  
8 mainstream in the interest of developing that commodity.

9           BOARD MEMBER PEACE: To develop an ASTM standard  
10 for a wider array of degradable products?

11           EXECUTIVE DIRECTOR LEARY: Plastic manufacturers  
12 are claiming that their plastics are compostable and  
13 degradable. And this is our opportunity to test some of  
14 those and develop some standards for their testing so they  
15 can put their money where their mouth is and prove whether  
16 they actually are compostable or not; so the claims made  
17 by the industry that they're producing compostable  
18 plastics is measured up against something. And we can  
19 hold them accountable to ensure they can, in fact,  
20 compost. And on what time frame are they compostable?

21           This is, I think, you know, continuing some  
22 effort that's gone on within Waste Prevention and Market  
23 Development for at least a couple of years in working with  
24 the plastics industry.

25           BOARD MEMBER PEACE: Back to the San Joaquin, you

1 said San Diego State University is already doing research  
2 in that area?

3 EXECUTIVE DIRECTOR LEARY: Let me defer to Judy  
4 and/or Patty.

5 BOARD MEMBER PEACE: Explain to me, because the  
6 South Coast Air Pollution Control District, didn't they  
7 develop some sort of a rule?

8 BRANCH MANAGER FRIEDMAN: Judy Friedman, Waste  
9 Prevention, Market Development Division.

10 We had been working on a rule development for the  
11 South Coast Air Quality Management District, and that's  
12 Rule 1133. But recently -- and you may recall that all  
13 four of you signed a letter. San Joaquin Valley Unified  
14 Air Pollution Control District initiated their own rule  
15 making. So this is separate from the South Coast rule  
16 making, a very similar kind of rule making.

17 And so in pursuing working with them, we're also  
18 looking to do emission work in the San Joaquin Valley,  
19 because the air districts like to see the analysis  
20 conducted in their own region. So we have a contract with  
21 San Diego State for the development of the information for  
22 the Rule 1133. And we're working with an expert in this  
23 area, so we want to continue to work with the same  
24 expertise, but conduct the research in the San Joaquin  
25 Valley.

1           BOARD MEMBER PEACE:   Wouldn't emissions coming  
2 out of a composting facility in Southern California be the  
3 same that come out in the San Joaquin Valley?

4           BRANCH MANAGER FRIEDMAN:   We're going to look at  
5 other additional feedstocks as well.   We're going to look  
6 at food.   We're going to look at different kinds of  
7 things, manure, potentially biosolids, because those are  
8 the kinds of feedstocks that are prevalent in the San  
9 Joaquin Valley.   So we want to be able to look at the wide  
10 range of things that are going on and the kinds of  
11 facilities that are going on in the San Joaquin Valley.

12          BOARD MEMBER PEACE:   Did we put any money into  
13 the South Coast Air Pollution Control District when they  
14 were going through this?

15          BRANCH MANAGER FRIEDMAN:   Yes, we have.

16          BOARD MEMBER PEACE:   How much?

17          BRANCH MANAGER FRIEDMAN:   I don't have the total,  
18 but somewhere around \$200,000.

19          BOARD MEMBER WASHINGTON:   We already took a roll.

20          CHAIRPERSON MARIN:   What would be the best way?  
21 Do we rescind the vote or just make another motion to --

22          CHIEF COUNSEL CARTER:   Well, I think it would be  
23 cleanest if Ms. Peace brought a motion to rescind the  
24 prior vote, because she voted nay?

25          CHAIRPERSON MARIN:   Can't she just change her

1 vote?

2 CHIEF COUNSEL CARTER: Well, there is a vote on  
3 record. And unless you change the Resolution, that  
4 Resolution as voted upon stands.

5 CHAIRPERSON MARIN: So do we need a motion to  
6 rescind the vote?

7 CHIEF COUNSEL CARTER: Yes.

8 CHAIRPERSON MARIN: A motion to rescind the vote.  
9 Is there a motion to rescind?

10 BOARD MEMBER WASHINGTON: I move to rescind the  
11 vote on the last Resolution.

12 BOARD MEMBER MULÉ: Second.

13 CHAIRPERSON MARIN: Call the roll.

14 EXECUTIVE ASSISTANT JIMENEZ: Peace?

15 BOARD MEMBER PEACE: Aye.

16 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

17 BOARD MEMBER MULÉ: Aye.

18 EXECUTIVE ASSISTANT JIMENEZ: Washington?

19 BOARD MEMBER WASHINGTON: Aye.

20 EXECUTIVE ASSISTANT JIMENEZ: Marin?

21 CHAIRPERSON MARIN: Aye.

22 Is there a new motion?

23 BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
24 Resolution 2005-131.

25 BOARD MEMBER WASHINGTON: Second.



1 CHAIRPERSON MARIN: Moved by Ms. Mulé and  
2 seconded by Mr. Washington.

3 Call the roll again, please.

4 EXECUTIVE ASSISTANT JIMENEZ: Peace?

5 BOARD MEMBER PEACE: Aye.

6 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

7 BOARD MEMBER MULÉ: Aye.

8 EXECUTIVE ASSISTANT JIMENEZ: Washington?

9 BOARD MEMBER WASHINGTON: Aye.

10 EXECUTIVE ASSISTANT JIMENEZ: Marin?

11 CHAIRPERSON MARIN: Aye.

12 All right. Any other items before us?

13 I think everybody is invited to attend the LEA  
14 conference. And thank you. We'll see you all in  
15 Sacramento.

16 (Thereupon the California Integrated Waste  
17 Management Board, Board of Administration  
18 adjourned at 4:12 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 25th day of May, 2004.

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